

MACQUARIE ISLAND TOOTHFISH FISHERY
CONDITIONS ON STATUTORY FISHING RIGHTS

A. BOAT ELIGIBILITY

1. This Statutory Fishing Right (SFR) allows fishing by the method known as trawling if the person is using a boat that:
 - (a) has been assessed as meeting AFMA's observer safety requirements, as set out in Division M; and
 - (b) meets the requirements for an Australian boat, within the meaning of section 4 of the Act; and
 - (c) is an Australian-flagged boat; and
 - (d) fitted with an ICVMS in accordance with Division E; and
 - (e) is not nominated as the boat to be used by another person under
 - (i) a permit granted under this Act, or
 - (ii) an authorisation to fish, however described, granted to the permit holder by a State or Territory.

B. BYCATCH LIMITS

2. All SFR holders for the Fishery combined may only take other species besides Patagonian toothfish that must not exceed 200 tonnes live weight in the area of waters specified in Schedule 1 of the *Macquarie Island Toothfish Fishery Management Plan 2006*.

C. TAGGING

3. Patagonian toothfish that are tagged and released alive are not counted against the total allowable catch of that species determined by AFMA for each season.

D. PERSONAL CONSUMPTION AND JELLY MEAT FISH

4. The total number and weight of each species taken, including amounts taken for personal consumption, rendered to meal or with the "jelly meat" condition, shall be reported and recorded. These amounts will be decremented against quota allocations and the TAC for bycatch species.

E. GEAR RESTRICTIONS

Mesh size of trawl nets

5. If the SFR holder uses a trawl net for fishing for Patagonian toothfish, the mesh size of the net must be at least 120 millimetres at every part of the net.
6. For the purposes of this section mesh size, for a net, means the mesh size of the net measured in accordance with the method described in Articles 1 to 6 (inclusive) of CCAMLR Conservation Measure 22-01 (1986), set out in Schedule 1.

Note See section 15 of the Management Plan about using a boat in the area of the Fishery for scientific research.

Size of fishing gear

7. A bobbin used by the SFR holder for fishing in the Fishery must be at least 520 millimetres in diameter.
8. A rock hopper rubber disc used by the SFR holder for fishing in the Fishery must be at least 400 millimetres in diameter.

Net monitor cables

9. The SFR holder must not use a net monitor cable when the nominated boat is in the area of the Fishery.

In this Section net monitor cable means a cable used to link the nominated boat to a monitor attached to a part of the net.

F. REQUIREMENT TO CARRY A VESSEL MONITORING SYSTEM

Requirement to be fitted with ICVMS

10. A vessel nominated to this concession must be fitted with an operational Integrated Computer Vessel Monitoring System (ICVMS) which, unless otherwise waived or altered by AFMA in writing addressed to the holder, must meet and be operated according to the criteria set out in sub-paragraphs (a) to (e) hereunder.

(a) ICVMS must:

- i. include or consist of an Automatic Location Communicator (ALC) which:
 - is a type that has been approved by AFMA;
 - is correctly registered with the relevant Inmarsat-C provider; and
 - not to be switched off in port. 'Sleep mode' may not be used without prior arrangement with AFMA. The permit holder, or authorised representative, may enter into a prior arrangement to switch off the ALC or use 'sleep mode' by calling +612 6225 5542 or after hours by contacting the AFMA duty officer on 0419 205 329.
- ii. have a personal computer attached to the ALC which is capable of sending and receiving emails; and
- iii. be installed in accordance with the AFMA installation guidelines; and
- iv. have the appropriate Data Network Identification Number (DNID) downloaded to the unit through AFMA; and
- v. unless arrangements are entered into with AFMA in writing, be operating continuously and in accordance with the manufacturer's specifications and operating instructions.

(b) The fishing permit holder must ensure that:

- i. in respect to condition (a)iv. above, the appropriate DNID download forms as supplied by AFMA are completed; and
- ii. immediately after installation of the ICVMS and prior to going to sea for the first time following installation of the ICVMS seek confirmation from AFMA that the ALC is being monitored correctly (please note this only applies to the first trip following installation, you are not required to contact AFMA to confirm the ALC is working on any subsequent trip); and
- iii. no person or persons switches off, tampers with, alters, damages or disables any component of the ALC, it's software, cabling or it's antenna system; and

- iv. the power supply(s) to the ALC is not tampered with, altered, damaged or disabled; and
 - v. the AFMA seals attached to the unit in accordance with the installation guidelines are not removed by any person other than an authorised agent of the installer; and
 - vi. in the event of the seals being removed by an authorised agent, the seals are replaced by an authorised agent.
 - vii. he/she becomes aware that the ALC is not functioning contact AFMA immediately on the telephone numbers contained in condition (a)(i)
- (c) If the ALC is not operating or is malfunctioning the boat must remain in port until the ALC is inspected, repaired if necessary and AFMA has received confirmation from an authorised technician that the ALC is functioning normally.
- (d) If the ALC stops reporting or malfunctions after the boat has left port, the master of the boat must comply with any instructions given by an AFMA authorised officer. These instructions may include a requirement for the master to submit accurate manual position reports, or for the master to immediately stow all fishing gear and take the boat directly to port.
- (e) The manual position reports referred to in paragraph (d) must be made at times and frequencies required by AFMA. They should be sent by:
- i. fax to +612 6225 5440; or
 - ii. email to VMSReporting@afma.gov.au; or
 - iii. phone AFMA on +612 6225 5369.

The report must include:

- i. the boat's name; and
- ii. the boat's distinguishing symbol; and
- iii. the boat's present latitude and longitude (in degrees and minutes); and
- iv. the date and time.

G. BOAT MARKING REQUIREMENTS

Identification of IRCS

11. (1) The SFR holder must ensure that a nominated boat in the area of the Fishery displays the boat's International Telecommunications Union Radio/Call Sign (IRCS) in accordance with sub-sections (2) and (3).
- (2) The IRCS must be shown on the boat's deck and each side of the hull.
- (3) The characters of the IRCS:
- (a) must be in block form; and
 - (b) must be:
 - (i) white on a black background; or
 - (ii) black on a white background; and
 - (c) on the hull, must be:
 - (i) at least 1 metre high; and
 - (ii) of a width that is proportionate to the height; and
 - (iii) for adjacent letters with sloping sides (for example, **A** and **V**) — separated by a space of at least 10 centimetres and no more than 12.5 centimetres; and

- (iv) for any other characters — separated by a space of no more than 16.6 centimetres; and
- (d) on the deck, must be:
 - (i) at least 30 centimetres high; and
 - (ii) of a width that is proportionate to the height; and
 - (iii) for adjacent letters with sloping sides (for example, **A** and **V**) — separated by a space of at least 3 centimetres and no more than 3.75 centimetres; and
 - (iv) for any other characters — separated by a space of no more than 5 centimetres.
- (4) This Division applies in addition to Part 5 of the Fisheries Management Regulations 1992.

H. TRANSHIPPING AND CARRYING

12. The SFR holder may upon request to AFMA in writing:

- a) carry fish taken with the use of another boat; or
- b) tranship fish by transferring at sea (or outside of a port) fish caught with the boat nominated to these SFRs to another boat

provided the AFMA observer concurs with the quantity transhipped as specified on the Dissostichus catch document, and notify AFMA of their concurrence in writing.

I. LABELLING OF PRODUCT

13. The SFR holder must ensure that all fish taken are packaged according to species, size grade and form of fish after processing. Each package must be clearly labelled with the species of fish including the scientific name, the size grade and the form of fish after processing.

J. NOTIFICATION REQUIREMENTS

Obtaining an observer, unloading, departure, arrival, foreign port destination

14. To obtain observer coverage for the nominated boat, the SFR holder must provide AFMA with at least:

- (a) 7 days notice if departing from a port in Australia or New Zealand;
- (b) 14 days notice if departing from a port elsewhere in the world; or
- (c) 21 days notice, if they wish to have an observer who has been appointed under the CCAMLR Scheme of International Observation

prior to the boat leaving port to commence fishing, notice is to be provided by ringing the AFMA Observer Coordinator on 0427 016 859, or e-mail address to himie@afma.gov.au. The notification must include the name of the port of departure and an estimated time and date of departure.

15. Before the nominated boat moors or anchors in a port or any other place to unload fish, the SFR holder must ensure that AFMA is provided with at least 72 hours notification. The notification must be provided to AFMA Compliance on e-mail address dutyofficer@afma.gov.au or International facsimile number +612

6225 5442. If the place of mooring or anchoring is within the territorial waters of a country other than Australia notification must also be made 72 hours in advance to the relevant fisheries authorities in that country.

16. The notification referred to in Section 15 must contain the following information:
- (a) the boat's name and distinguishing symbol;
 - (b) an estimate of the green weight of fish on board by species;
 - (c) the port/s, or other place/s at which the fish will be unloaded;
 - (d) the estimated date and time of arrival in the port/s or other place/s; and
 - (e) the estimated date and time that unloading will commence in each port/s or other place/s.

Where the other country in question is New Zealand the notification referred to must be sent to international facsimile number +644 8015381 or telex number MAF FCC NZ 30049. Contact details for other countries will be provided by AFMA on request.

K. CARRIAGE OF OBSERVERS

Assisting observers

17. The SFR holder must help each observer on board the nominated boat:
- (a) to collect scientific data and samples, as requested by AFMA; and
 - (b) to record the number, type and circumstance of each interaction of the nominated boat with seabirds or mammals; and
 - (c) to record details of other boats sighted, and information about the activities of those boats, in the AFZ or the Convention area; and
 - (d) in any other reasonable way the observer considers appropriate for the performance of his or her duties.

Accommodation for observers

18. The SFR holder must ensure that each observer on board the nominated boat has:
- (a) reasonable access to all areas and facilities of the boat necessary for collecting the scientific data and samples; and
 - (b) satisfactory accommodation and food that is equivalent to the standard for a junior officer; and
 - (c) reasonable daily access to the boat's radio or satellite communications facilities for communicating with AFMA; and
 - (d) satisfactory medical care:
 - (i) consistent with Marine Orders, Part 10, as in force at 1 December 2002; or
 - (ii) as approved by AFMA; and
 - (e) a safe and healthy living and working environment in which the observer is free from harassment and undue influence.

Note: Marine Orders, Part 10, was last replaced by Order No 13 of 2001, made under subsection 425 (1AA) of the Navigation Act 1912 on 14 December 2001.

Safety checklist

19. The SFR holder must:

- (a) ensure that the boat's skipper or mate completes a safety checklist with each observer carried on board the nominated boat prior to departing port; and
- (b) the safety checklist must be in the form detailed at Schedule 2; and
- (c) the completed safety checklist must be included in the boat's records of the trip.

L. DATA COLLECTION OFFICERS

Appointment of a data collection officer

20. If the SFR holder appoints a data collection officer on board the nominated boat:

- (a) the data collection officer must:
 - (i) not be appointed without AFMA's written permission;
 - (ii) be accredited by AFMA; or
 - (iii) be employed by an agency on the Register of Accredited Agencies kept by AFMA.
- (b) the data collection officer must give any information he or she collects to AFMA or AFMA's agent.
- (c) the SFR holder must pay the agency with whom the data collection officer is employed a fixed daily rate that:
 - (i) is not subject to the amount of fish caught; and
 - (ii) does not include the payment of a bonus; and
 - (iii) is not paid directly to the data collection officer.

Duties of a data collection officer

21. The SFR holder must:

- (a) not direct the duties of the data collection officer; and
- (b) ensure that the data collection officer has no other duties on the nominated boat relating to crewing or manning the boat; and
- (c) ensure that the data collection officer works in cooperation with the other observer(s) on the boat.

M. OBSERVER SAFETY ASSESSMENT

Requirement for observer safety assessment

22. Before a boat is nominated, the SFR holder must ensure that a marine surveyor nominated by AFMA (the nominated surveyor) conducts a safety assessment of the nominated boat.

Note: AFMA may also require other assessments from time to time.

23. The SFR holder must allow the nominated surveyor to inspect the following documents relating to the nominated boat:

- (a) statutory and classification society certificates;
- (b) the ship's log;
- (c) the muster list;
- (d) all certificates for lifesaving, safety equipment and medical outfit.

24. The nominated boat's owner or operator must:

(a) make a written declaration that:

- (i) the nominated boat satisfies the survey requirements of a 'Certificate of Survey for a Fishing vessel (USL Code Class 3A) issued under the provision of the *Navigation Act 1912* by the Australian Maritime Safety Authority (AMSA) or a classification society recognised by AMSA; and
- (ii) each officer has a valid certificate of competency; and

(b) allow the nominated surveyor to inspect that declaration.

Note: The following classification societies are recognised by AMSA:

- (i) *American Bureau of Shipping;*
- (ii) *Bureau Veritas;*
- (iii) *Det Norske Veritas;*
- (iv) *Germanischer Lloyd;*
- (v) *Lloyd's Register of Shipping;*
- (vi) *Nippon Kaiji Kyokai.*

25. The SFR holder must allow the nominated surveyor to inspect:

(a) all safety and lifesaving equipment on board the nominated boat; and

(b) all areas of the nominated boat that are proposed to be used by observers, including:

- (i) accommodation; and
- (ii) bathing and meal areas; and
- (iii) any deck area where the observer may be required to carry out his or her duties, for example, the trawl deck and the gantries.

N. CONTINGENCY ARRANGEMENTS FOR ILLNESS OR INCAPACITY OF AN OBSERVER

Contingency arrangements

26. For the purposes of these contingency arrangements an advice to AFMA is considered to be contacting the Manager, Antarctic Fisheries during office hours (8am-5pm, Monday to Friday) on telephone number +612 6225 5302, facsimile +612 6225 5439 or e-mail himie@afma.gov.au.

27. Facsimile or e-mail messages will not be taken to be received unless they are confirmed, in writing by AFMA.

28. If unable to contact the Manager, Antarctic Fisheries, advice may be made to the AFMA Duty Officer on mobile phone number 0419 205 329 or pager service +612 6285 6666, pager number 3344.

Contingency plan

29. Nothing in the contingency plan below relieves the SFR holder of a duty of care to the observer(s) on the boat and it is the responsibility of the master of the boat to ensure that the well being of the observers and the crew are held paramount at all times. This contingency plan is merely to provide adequate observer coverage if an observer becomes unable to carry out their duties.

Where there are two AFMA observers or an AFMA Observer and a CCAMLR Observer

Illness or injury of one of the two observers

30. Should an observer fall ill or suffer an injury the SFR holder must do everything possible to ensure that they are provided with adequate medical care including, at the master's discretion, the immediate return of the boat or the evacuation of the observer to a location able to provide appropriate medical care.
31. Within 12 hours of an observer taking ill or suffering an injury which prevents them from completing their duties the SFR holder shall inform the AFMA Duty Officer on international facsimile +612 6225 5442, of the following:
 - a) current condition of the observer;
 - b) likely illness or, in case of an injury, a full description of the cause of the injury;
 - c) treatment of the observer and if any further medical assistance is required or to be obtained;
 - d) extent of incapacity of the observer;
 - e) expected duration of the illness/incapacity;
 - f) current activity of the boat (eg steaming to port, heavy fishing, searching); and
 - g) expected date of return to port.
32. The course of action to be adopted will be influenced by the circumstances at the time, in particular, the nature and duration of the illness/incapacity, the current activity of the boat and how long until the boat returns to port. Hence a revised observer program will be agreed upon at the time by AFMA in consultation with the observers.
33. While specific arrangements will be agreed at the time to suit the needs of the situation it could be expected that the nature of the arrangements will fall into two basic scenarios depending on the expected length of illness or incapacity.

Temporary illness or incapacity

34. This is to cover minor illnesses or injuries which are likely to last less than 5 days such as viruses, flu, sprained ankle or where the boat is likely to cease fishing within 5 days and return to port:
 - a) the boat will function with one observer;
 - b) AFMA and the remaining observer will agree on a reduced program for observation for the duration of the illness. This will be done at the time and will depend on the expected activity of the boat and the level of contribution the incapacitated observer can continue to make (eg. bird counts from the wheelhouse);
 - c) the reduced program will still include elements of both fisheries and ecological data collection; and
 - d) the SFR holder and/or remaining observer will report to AFMA at least every second day on the health of the ill observer and the effectiveness and practicality of the arrangements implemented.

Serious or longer term illness or incapacity.

35. This is to cover situations where the illness or injury is likely to cause the observer to be unfit for duty for a period in excess of 5 days:
- a) the SFR holder will provide a crew member, suitable to the unaffected observer, to act as an assistant to the unaffected observer in their work;
 - b) AFMA and the unaffected observer will agree on a reduced program for observation and suitable duties for the deputised crew member. This will be done at the time and will depend on the expected activity of the boat, the expertise of the deputised crew member and the level of contribution the incapacitated observer can continue to make (eg bird counts from the wheelhouse);
 - c) the reduced program will still include elements of both fisheries and ecological data collection; and
 - d) the SFR holder and/or remaining observer will report to AFMA at least every second day on the health of the incapacitated observer and the effectiveness and practicality of the arrangements implemented.

Illness or injury to both of the observers simultaneously

36. Should both observers fall ill or suffer an injury that simultaneously prevents both of them from carrying out their duties the SFR holder must, within 12 hours, advise AFMA of the:
- a) current condition of the observers;
 - b) likely illness/es or, in case of an injury/s, a full description of the cause of the injury/s;
 - c) treatment of the observers and if any further medical assistance is required or to be obtained;
 - d) extent of incapacity of the observers;
 - e) expected duration of the illness/incapacity; and
 - f) expected date of return to port.
37. Subject to the particular circumstances prevailing at the time AFMA will advise the SFR holder of an appropriate course of action, which may include a cessation of fishing activity, until at least one observer is fit enough to undertake their duties.

Where there is one AFMA observer and a Data Collection Officer

Illness or injury of the AFMA Observer

38. Should an observer fall ill or suffer an injury the SFR holder must do everything possible to ensure that they are provided with adequate medical care including, at the SFR holder's discretion, the immediate return of the boat or the evacuation of the observer to a location able to provide appropriate medical care.
39. Within 12 hours of an observer taking ill or suffering an injury which prevents them from completing their duties the SFR holder shall inform AFMA of the following:
- a) current condition of the observer;
 - b) likely illness or, in case of an injury, a full description of the cause of the injury;

- c) treatment of the observer and if any further medical assistance is required or to be obtained;
 - d) extent of incapacity of the observer;
 - e) expected duration of the illness/incapacity;
 - f) current activity of the boat (eg steaming to port, heavy fishing, searching); and
 - g) expected date of return to port.
40. The course of action to be adopted will be influenced by the circumstances at the time, in particular, the nature and duration of the illness/incapacity, the current activity of the boat and how long until the boat returns to port. Hence a revised observer program will be agreed upon at the time by AFMA in consultation with the observers.
41. While specific arrangements will be agreed at the time to suit the needs of the situation it could be expected that the nature of the arrangements will fall into two basic scenarios depending on the expected length of illness or incapacity.

Temporary illness or incapacity

42. This is to cover minor illnesses or injuries which are likely to last less than 5 days such as viruses, flu, sprained ankle or where the boat is likely to cease fishing within 5 days and return to port:
- a) AFMA will consult with the SFR holder and the Data Collection Officer and agree on a reduced program for observation for the duration of the illness. This will be done at the time and will depend on the expected activity of the boat and the level of contribution the AFMA observer can continue to make (eg. bird counts from the wheelhouse);
 - b) the reduced program will include elements of both fisheries and ecological data collection; and
 - c) the SFR holder and/or the observer will report to AFMA at least every second day on the health of the observer and the effectiveness and practicality of the arrangements implemented.

Serious or longer term illness or incapacity

43. This is to cover situations where the illness or injury is likely to cause the observer to be unfit for duty for a period in excess of 5 days. Subject to the particular circumstances prevailing at the time AFMA will advise the operator of an appropriate course of action, which may include a cessation of fishing activity, until at least the observer is fit enough to undertake duties.

O. REPORTING REQUIREMENTS

44. The SFR holder must ensure in respect of each shot in the area specified the electronic logbooks CCAMLR Data Form TACv2008, CCAMLR Data Form C1v2008 and ANT03-VG (Trawl) are accurately and fully completed in accordance with the instructions contained in the electronic logbooks.
45. The SFR holder must, while fishing in AFZ around Macquarie Island, transmit the form CCAMLR Data Form TACv2008 before the third day after the end of each 10 day period (days 1-10, 11-20, and 21-end of month respectively) to the Data Manager via internet address - himie@afma.gov.au or to facsimile number +612 6225 5440.

46. The SFR holder must ensure that within 7 days of the boat's return to port that all outstanding electronic forms Fine-Scale Catch and Effort Data for Trawl Fisheries (CCAMLR Data Form C1v2007) and electronic logbook Antarctic Waters and Gear Details Log (ANTO3-VG trawl) are supplied to the AFMA Data Manager in:
- (a) electronic format via provisions of diskette or electronically via the internet on either International facsimile +612 6225 5440 or to e-mail address himie@afma.gov.au; and
 - (b) a hard copy format, signed and dated by the master of the boat and by the AFMA Observer on board the boat.
47. A transmission will not be taken to have been received by AFMA unless a return facsimile or e-mail is sent by AFMA and received by the SFR holder in reply, stating that the complete report has been received and is legible.
48. If it is not possible to transmit via electronic logbook any one or more reports referred to within the time frames, then the SFR holder must transmit this information via the Vessel Monitoring System (ICVMS), to the AFMA Data Manager.
49. If it is not possible to transmit any one or more of the reports or an acknowledgment of any of those reports is not received within 9 days of the end of a reporting period, then the SFR holder must:
- (a) immediately stow all fishing gear and take the boat directly to a port;
 - (b) as soon as possible, report to AFMA that the boat is being, or has been, taken to port with gear stowed, due to an inability to transmit the reports; and
 - (c) as soon as possible (whether before or after arriving at port), transmit any outstanding reports to AFMA.
50. The SFR holder must complete the Unloading Summary Docket – Antarctic Fisheries (ANT01-US) and Verified Weight Summary Docket (ANT01-VW) and forward both dockets to AFMA within 7 working days of the completion of unloading of the vessel, to the AFMA Compliance Section on e-mail dutyofficer@afma.gov.au or international facsimile +612 6225 5442.

P. CONTINGENCY ARRANGEMENTS — BREAKDOWN OF MEAL PLANT

Application of Division

51. This Division applies to the SFR holder if, while in the area of the Fishery:
- (a) the meal plant on the nominated boat breaks down; and
 - (b) it is not practicable to retain all offal and bycatch on board the boat.

Mechanical breakdown of meal plant

52. (1) For subsection 27(4) of the Management Plan, the SFR holder must, immediately after a mechanical breakdown of the meal plant:
- (a) tell the observers on board the nominated boat that the meal plant has broken down; and
 - (b) stop fishing; and
 - (c) if there is catch on board the nominated boat to be processed:
 - (i) move the boat out of the fishing area; and

- (ii) process the remainder of the catch; and
- (iii) discharge all waste.

Note: If it is necessary to discharge offal, it is recommended that the offal:

- (a) be discharged whole rather than macerated; and
- (b) not be discharged during trawling and shooting; and
- (c) be discharged at night.

If it is not practicable to discharge offal at night, or to avoid discharging offal during trawling or shooting, the holder may discharge the offal in whole, from the side of the boat and at any speed.

- (2) No later than 48 hours after the breakdown of the meal plant and before the holder resumes fishing in the Fishery, the holder:
 - (a) must:
 - (i) repair the meal plant; and
 - (ii) give AFMA a report on the breakdown and repair in accordance with subsection 54(1); or
 - (b) must give AFMA a report on the breakdown in accordance with subsection 54(1), and seek AFMA's approval to adopt the contingency arrangements set out in subsection 55(1).
- (3) If the breakdown of the meal plant occurs after office hours, the holder must notify the AFMA Duty Officer about the breakdown by telephone on: 0419 205 329.
- (4) In this Division office hours means the hours between 9 am and 4 pm on a day that is not a Saturday, Sunday or public holiday in Canberra.

Report to AFMA

53 (1) A report to AFMA under subsection 53(2) must contain the following information:

- (a) the date, time, location and activity of the nominated boat when the breakdown occurred;
 - (b) the exact circumstances of the breakdown;
 - (c) the actions taken when the breakdown occurred, including:
 - (i) how soon fishing stopped after the breakdown; and
 - (ii) the approximate amount of fish processed; and
 - (iii) the location of the discharge of offal (if any);
 - (d) if the meal plant has been repaired, the time when the meal plant was repaired and the time when fishing resumed;
 - (e) if the meal plant is being repaired when the report is sent to AFMA, the estimated time needed to complete the repairs;
 - (f) if repairs to the meal plant must be carried out in port, the estimated date of return to port.
- (2) The report must be addressed to the Manager, Antarctic Fisheries, Australian Fisheries Management Authority and sent:
- (a) by fax to: +612 6225 5439; or
 - (b) by e-mail to: himie@afma.gov.au

- (3) As soon as practicable after receiving the report, AFMA must tell the holder:
- (a) that AFMA has received the report; and
 - (b) whether AFMA agrees to the holder adopting the contingency arrangements set out in subsection 55(1).

Contingency arrangements for breakdown of meal plant

54. (1) For paragraph 53(2)(b), the following contingency arrangements apply:
- (a) offal must not be discharged when fishing gear is in the water; or
 - (b) at least once a day and at different times, the observer must:
 - (i) observe the offal discharge; and
 - (ii) record the date, location, weather and sea conditions during the observation; and
 - (iii) record the approximate amount of offal discharged during the observation; and
 - (iv) record the behaviour of the discharge; and
 - (v) record the location and activity of the nominated boat during the discharge; and
 - (vi) record the interaction of seabirds and marine mammals with the discharge;
 - (c) the observer must try to collect random samples of the offal discharge for analysis.
- (2) However, if the holder is unable to comply with the contingency arrangements in subsection (1), the holder must:
- (a) stop all fishing activity in the area of the Fishery; and
 - (b) stow all fishing gear;
- until after the meal plant is repaired.

When contingency arrangements do not apply

55. If AFMA is satisfied, on reasonable grounds, that the holder or the master of the nominated boat was aware, before leaving port, that the meal plant was not, or was likely not to be, working:
- (a) the contingency arrangements in subsection 55(1) do not apply; and
 - (b) the boat must return to port.

Q. CONTINGENCY ARRANGEMENTS — DISPOSAL OF FISH MEAL

Application of Division

56. This Division applies to a SFR holder if, while the nominated boat is in the Fishery:
- (a) a batch of fish meal on the nominated boat contains more than 10.5% moisture; or
 - (b) the holder reasonably believes that there is a risk that the batch will spontaneously ignite.

Disposal of fish meal

57. (1) For subsection 27(5) of the Management Plan, the holder must:
- (a) tell the observers on board the nominated boat of his or her intention to discharge a batch of fish meal from the nominated boat; and
 - (b) ensure that, when the batch is being discharged, at least 1 of the observers monitors the discharge; and
 - (c) ensure that observer records, in writing in the observer's report to AFMA:
 - (i) the date, time and location of the discharge; and
 - (ii) the weather and sea conditions at the time of the discharge; and
 - (iii) the amount of fish meal discharged; and
 - (iv) the reason for the discharge, including the temperature or amount of moisture content in the fish meal; and
 - (v) the behaviour of the discharge; and
 - (vi) any interactions of birds or marine mammals with the fish meal.
- (2) The holder must give AFMA written notice about the discharge of the fish meal within 48 hours after the discharge occurs.
- (3) The notice under subsection (2) must be addressed to the Manager, Antarctic Fisheries, Australian Fisheries Management Authority and sent:
- (a) by fax to: +612 6225 5439; or
 - (b) by e-mail to: himie@afma.gov.au

DEFINITIONS

In this Schedule:

- (a) "boat" means the boat specified in Schedule 3 of the permit;
- (b) "fishing" has the same meaning as it has in the Fisheries Management Act 1991 (Note: "fishing" includes taking fish);
- (c) "ANT03-VG" means the form of Electronic logbook ANT03-VG (the full title of which is "Antarctic Waters Vessel and Gear Details Log");
- (d) "ANT01-VW" means the form of Verified Weight Summary Docket ANT01VW (the full title of which is "Antarctic Verified Weight Summary Docket");
- (e) "ANT01-US" means the form of Unloading Summary Docket ANT01US (the full title of which is "Antarctic Unloading Summary Docket");
- (f) "ICVMS" means a Vessel Monitoring System which has a computer terminal connected by a cable link to the VMS so that a message may be sent from the computer through the cable to the Vessel Monitoring System for transmission from the boat;
- (g) "mesh size" means the sizes of the mesh, of the net or parts of the net, when measured in accordance with Attachment 1 to this Schedule;
- (h) "tow" is defined as the path followed by the fishing boat from the point from which the net is deployed from the fishing boat to the point at which the net is retrieved by the fishing boat;

Schedule 1

CCAMLR Conservation Measure 22-01 (1986): Regulation on mesh size measurement

Article 1 Description of gauges

1. Gauges to be used for determining mesh sizes shall be 2 millimetres thick, flat, of durable material and capable of retaining their shape. They shall have either a series of 2 parallel-edged sides connected by intermediate tapering edges with a taper of one to eight on each side, or only tapering edges with the taper defined above. They shall have a hole at the narrowest extremity.
2. Each gauge shall be inscribed on its face with the width in millimetres both on the parallel-sided section, if any, and on the tapering section. In the case of the latter the width shall be inscribed every 1 mm interval and the indication of the width shall appear at regular intervals.

Article 2 Use of the Gauge

1. The net shall be stretched in the direction of the long diagonal of the meshes.
2. A gauge as described in Article 1 shall be inserted by its narrowest extremity into the mesh opening in a direction perpendicular to the plane of the net.
3. The gauge shall be inserted into the mesh opening either with a manual force or using a weight or dynamometer, until it is stopped at the tapering edges by the resistance of the mesh.

Article 3 Selection of Meshes to be Measured

1. Meshes to be measured shall form a series of 20 consecutive meshes chosen in the direction of the long axis of the net.
2. Meshes less than 50 cm from lacings, ropes or codline shall not be measured. This distance shall be measured perpendicular to the lacings, ropes or codline with the net stretched in the direction of that measurement. Nor shall any mesh be measured which has been mended or broken or has attachments to the net fixed at that mesh.
3. By way of derogation from paragraph 1, the meshes to be measured need not be consecutive if the application of paragraph 2 prevents it.
4. Nets shall be measured only when wet and unfrozen.

Article 4 Measurement of Each Mesh

The size of each mesh shall be the width of the gauge at the point where the gauge is stopped, when using this gauge in accordance with Article 2.

Article 5 Determination of the Mesh Size of the Net

1. The mesh size of the net shall be the arithmetical mean in millimetres of the measurements of the total number of meshes selected and measured as provided for in Articles 3 and 4, the arithmetical mean being rounded up to the next millimetre.
2. The total number of meshes to be measured is provided for in Article 6.

Article 6 Sequence of Inspection Procedure

1. The inspector shall measure one series of 20 meshes, selected in accordance with Article 3, inserting the gauge manually without using a weight or dynamometer. The mesh size of the net shall then be determined in accordance with Article 5. If the calculation of the mesh size shows that the mesh size does not appear to comply with the rules in force, then two additional series of 20 meshes selected in accordance with Article 3 shall be measured. The mesh size shall then be recalculated in accordance with Article 5, taking into account the 60 meshes already measured. Without prejudice to paragraph 2, this shall be the mesh size of the net.
2. If the captain of the vessel contests the mesh size determined in accordance with paragraph 1, such measurement will not be considered for the determination of the mesh size and the net shall be remeasured. A weight or dynamometer attached to the gauge shall be used for remeasurement. The choice of weight or dynamometer shall be at the discretion of the inspector. The weight shall be fixed to the hole in the narrowest extremity of the gauge using a hook. The dynamometer may either be fixed to the hole in the narrowest extremity of the gauge or be applied at the largest extremity of the gauge. The accuracy of the weight or dynamometer shall be certified by the appropriate national authority. For nets of a mesh size of 35 mm or less as determined in accordance with paragraph 1, a force of 19.61 newtons (equivalent to a mass of 2 kilograms) shall be applied and for other nets, a force of 49.03 newtons (equivalent to a mass of 5 kilograms). For the purposes of determining the mesh size in accordance with Article 5 when using a weight or dynamometer, one series of 20 meshes only shall be measured.

