

**HEARD ISLAND AND MCDONALD ISLANDS FISHERY CONDITIONS ON
STATUTORY FISHING RIGHTS (SFRS) 2007/08 SEASON**

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HEARD ISLAND AND McDONALD ISLANDS FISHERY CONDITIONS ON STATUTORY FISHING RIGHTS (SFRS) FOR THE 2007/08 SEASON

A. SEASON

1. The 2007/08 season is the period from:
 - i. 1 December 2007 to 30 November 2008 for trawl operations; and
 - ii. 1 May 2008 to 14 September 2008 for longline operations. The season for longline operations is extended from 15 April 2008 to 30 April 2008 and from 15 September 2008 to 31 October 2008.

B. SEABIRD MITIGATION MEASURES IN LONGLINE OPERATIONS

2. Subject to condition 4, the SFR holder must operate in accordance with the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Conservation Measures, and in particular:

25-02 Minimisation of the Incidental Mortality of Seabirds in the Course of Longline fishing or Longline Fishing Research in the Convention Area.
3. Condition 5 of Conservation Measure 25-02 does not apply in respect of this permit and all offal must be retained in accordance with Section 28(d) of the Plan.
4. In addition to the Conservation Measure 25-02 the following seabird mitigation measures apply:
 - (i) paired streamer lines must be towed during the deployment of longlines. Each of the two streamer lines must be set up in accordance with the Appendix to Conservation Measure 25-02; and
 - (ii) all snoods must be blue in colour.
5. If, during the periods 15 April 2008 to 30 April 2008 and 15 September 2008 to 31 October 2008, a total of three (3) seabirds are caught during fishing operations the SFR holder must ensure that the vessel ceases fishing immediately.

Note to conditions 5 and 6: Any lines which are in the water at the time a seabird limit is reached may be retrieved.
6. During the period 15 April 2008 to 30 April 2008 the SFR holder shall use integrated weight line and in a manner that ensures lines are set and hauled sequentially, in conjunction with night setting and paired streamer lines.
7. A bird is deemed to be caught if it falls in to one of the following three categories:
 - (i) dead not landed on board – those birds observed to be killed by direct interaction with fishing gear but not landed on the fishing vessel;
 - (ii) dead landed on board – those birds landed on the vessel that are dead (ie: show no muscle movement or corneal reflex);
 - (iii) alive landed on board:
 - (a)* injured; or
 - (b) released uninjured.

* *The seabird bycatch limit set out in condition 5 applies to the count of dead seabirds and is the sum of the seabirds taken in categories 7(i), 7(ii) and 7(iii)(a).*

For those birds in category iii (alive landed on board) a bird should be recorded as injured (iii)(a) if it has any of the following pathologies: fracture of a wing bone, a leg bone or beak, more than two primary feathers on either wing that have broken feather shafts, substantial damage to the patagial tendon (indicated by a drooping wing or the inability to fly upon release), an open wound (other than superficial injuries in which there is no subcutaneous muscle damage), waterlogged or hydrocarbon soiled plumage, or any bird released with a hook in situ. Birds in category (iii)(a) should be considered as dead.

Note: If and when 5 seabirds are deemed to have been caught in accordance with the above condition the DEH's Threat Abatement Team's Demersal Fisheries Working Group will conduct a review of fishing operations. Any capture of, injury to, or death of, a seabird or marine mammal must be reported in line with Section 29 of the Plan. This includes all serious interactions and not just those covered by the above condition, eg birds which may have died as a result of a collision with the vessel.

8. When setting, lines must sink immediately upon entering the water, and achieve a minimum sink rate to 15 metres of 0.2 metres per second. This rate will be measured in accordance with the protocols outlined CCAMLR Conservation Measure 24-02 - Longline weighting for seabird conservation.

C. MIDWATER TRAWLING FOR MACKEREL ICEFISH

9. The SFR holder shall ensure that no midwater trawling occurs during the period 1 February to 31 March each year. At all other times midwater trawling can only occur at night (ie: during the hours of darkness between the times of nautical twilight).

Note: The exact times of nautical twilight are set forth in the Nautical Almanac tables for the relevant latitude, local time and date. A copy of the algorithm for calculating these times is available from the CCAMLR Secretariat. All times, whether for ship operations or observer reporting, shall be referenced to GMT.

D. BYCATCH LIMITS

10. All SFR holders for the Fishery combined may only take any other species besides Patagonian toothfish or mackerel icefish up to the following total limits:
 - a) 360 tonnes of *Macrourus spp*;
 - b) 120 tonnes of skates and rays (*Bathyraja spp.*);
 - c) 80 tonnes of grey rockcod (*Lepidonotothen squamifrons*);
 - d) 150 tonnes of unicorn icefish (*Channichthys rhinoceratus*); and
 - e) 50 tonnes each for any other fish species.

Note: These limits are a combined limit for all SFR holders fishing in the Fishery and AFMA will notify SFR holders when the limits have been reached and thereafter no further fishing may take place in the Fishery.

E. TAGGING

11. 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.
12. Skates that are tagged or released alive are not counted against the limit specified in condition 10(b).

F. BOAT ELIGIBILITY

13. This Statutory Fishing Right (SFR) allows fishing by the method known as trawling or longlining if the person is using a boat that:
- (a) has been assessed as meeting AFMA's observer safety requirements, as set out in Division 5.3 of the Fisheries Management (Heard Island and McDonald Islands Fishery) Amendment Regulations 2005 (No.1); 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 I; 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.

G. SIZE LIMITS AND MOVE-ON PROVISIONS

14. If in any haul contains more than 100 kgs of mackerel icefish, and more than 10% of the mackerel icefish by number are smaller than 240 millimetres in total length, the SFR holder must move to another fishing location and must not carry out fishing operations within 5 nautical miles of any point of the tow where the catch of mackerel icefish smaller than 24 centimetres exceeded 10% for a period of at least 120 hours.
15. For the season the minimum legal total length for mackerel icefish shall be 240 mm. For the purpose of working out the total length of a mackerel icefish, the icefish must be measured from the tip of its snout to the furthest tip of its tail.
16. If, in the course of a directed fishery, the bycatch of unicorn icefish, grey rockcod, *Macrourus* spp, *Somniosus* spp. or skates and rays in any one haul is equal to, or greater than 2 tonnes, then the SFR holder must not fish at any point within 5 nautical miles of the location where the bycatch exceeded 2 tonnes for at least 120 hours. For a trawl the path is defined from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel. For a longline the path is defined from the point at which the first anchor of a set was deployed to the point at which the last anchor of that set was deployed.
17. If, in the course of a directed fishery, the bycatch of any species, other than Patagonian toothfish, mackerel icefish, unicorn icefish, grey rockcod, *Macrourus* spp. *Somniosus* spp. skates and rays, in any one haul is equal to, or greater than 1 tonne, then the SFR holder shall not fish at any point within 5 nautical miles of the location where the bycatch exceeded 1 tonne for a period of at least 120 hours. For a trawl the path is defined from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel. For a longline the path is defined from the point at which the first anchor of a set was deployed to the point at which the last anchor of that set was deployed.
18. The move-on provisions do not apply when a vessel is conducting research transects in the longline fishery, the random stratified trawl survey or the juvenile icefish survey in accordance with the conditions specified in a Scientific Permit issued by AFMA.

H. PERSONAL CONSUMPTION AND JELLY MEAT FISH

19. 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 each species.

I. ICVMS REQUIREMENTS

Requirement to be fitted with ICVMS

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

- (a) The 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 SFR holder, or authorised representative, may enter into a prior arrangement to switch off the ALC or use ‘sleep mode’ by calling (02) 6225 5414 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 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. immediately after installation and prior to going to sea for the first time with the ICVMS on board the SFR holder must seek confirmation from AFMA the ALC is being monitored correctly; and
 - vi. 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 SFR 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 SFR holder must ensure that 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 AFMA. These instructions will include a requirement for the master to submit accurate manual position reports, and may include a requirement 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 agreed to by AFMA. They should be sent by:
- i. fax to (02) 6225 5440; or
 - ii. email to monitoring@afma.gov.au; or
 - iii. phone to the AFMA duty officer on 0419 205329.

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 master's intentions for the next 24 hours.

Repair of ICVMS

21. The SFR holder must ensure that, if the nominated boat's ICVMS fails to operate:
- (a) the ICVMS is repaired or replaced no later than 2 months after the day on which it stopped operating; and
 - (b) the nominated boat does not leave port with the intention of fishing in the Fishery while the ICVMS is not operating.

J. TRANSHIPPING AND CARRYING

22. 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.

K. CONTINGENCY ARRANGEMENTS FOR ILLNESS OR INCAPACITY OF AN OBSERVER

Contingency Arrangements

23. 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.
24. Facsimile or e-mail messages will not be taken to be received unless they are confirmed, in writing by AFMA.
25. 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 62856666, pager number 3344.

Contingency plan

26. 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

27. 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.
28. 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.
29. 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.

30. 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

31. 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.

32. 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

33. 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.
34. 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

35. 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.
36. 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.
37. 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.
38. 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.

39. 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.

40. 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.

L. REPORTING REQUIREMENTS

41. For trawl operations, the holder of the SFR 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.
42. For longline operations, the holder of the SFR must ensure in respect of each shot in the area specified the electronic logbooks CCAMLR Data Form TACv2008, CCAMLR Data Form C2v2008 and ANT02-VG (longline) are accurately and fully completed in accordance with the instructions contained in the electronic logbooks.
43. The SFR holder must whilst fishing in the fishery transmit the form CCAMLR Data Form TACv2008 (5 day, 10 day or monthly catch and effort report) before the third day after the end of each 10 day period (days 1-10, 11-20, 21-end of the month respectively) to the Data Manager via email himie@afma.gov.au or to international facsimile number 612 6225 5440.
44. For trawl operations, the SFR holder must ensure that within 7 days of the boat's return to port that all electronic Fine-Scale Catch and Effort Data for Trawl Fisheries (CCAMLR Data Form C1v2008) and electronic logbook Antarctic Waters and Gear Details Log (ANT03-VG (Trawl)) is supplied to the AFMA Data Manager in the following formats:
- (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.
45. For longline operations, the SFR holder must ensure that within 7 days of the boat's return to port that all electronic Fine-Scale Catch and Effort Data for Longline Fisheries (CCAMLR Data Form C2v2008) and electronic logbook Antarctic Waters and Gear Details Log (ANT02-VG (Longline)) is supplied to the AFMA Data Manager in the following formats:
- (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.

46. 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.
47. 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.
48. 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.
49. 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 monitoring@afma.gov.au or international facsimile 612 6225 5426.

DEFINITIONS

Act means the *Fisheries Management Act 1991*.

authorised copy means a copy which has been certified as a true copy or a copy which has been transmitted electronically by AFMA;

boat means a nominated boat which has met the eligibility requirements for the fishery as set out in Division F;

CCAMLR means the Commission for the Conservation of Antarctic Marine Living Resources;

fishing has the same meaning as it has in the *Fisheries Management Act 1991* (Note: "fishing" includes taking fish);

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;

Management Plan means the *Heard Island and McDonald Islands Fishery Management Plan 2002*.

trip means a voyage by boat that:

- (a) begins at a place on, or within, the coastline of a country; and
- (b) continues to and from, or through, the area of the Fishery; and

- (c) ends at a place on, or within, the coastline of that country or another country.