



Australian Government

Australian Fisheries Management Authority

Management Arrangements for the Macquarie Island Toothfish Fishery

2022/2023 season



The following contains management arrangements relating to the Macquarie Island Toothfish Fishery for the 2022/23 season, which runs from 15 April 2022 to 14 April 2023. The booklet includes the:

| PART | TITLE |
|-------------|---|
| 1. | MANAGEMENT PLAN |
| 2. | TAC AND SEASON DATE DETERMINATION |
| 3. | CONDITIONS ON STATUTORY FISHING RIGHTS |
| 4. | FISHERY ASSESSMENT PLAN |
| 5. | REPORTING REQUIREMENTS |
| 6. | MARINE PROTECTED AREAS |

MANAGEMENT ARRANGEMENTS FOR THE MACQUARIE ISLAND TOOTHFISH FISHERY 2022/2023



Image courtesy of Ashton Davies (Australian Longline Fishing Pty Ltd)

Important Note

Every effort has been made to ensure that the information contained in this document is correct and accurate at the time of printing. However the information provided is intended to serve as a guide only, and therefore AFMA shall in no way be liable for any loss caused, whether due to negligence or otherwise, arising from the use of or reliance upon this document. The document is not intended to replace any operator's concession concerning the conditions under which they are required to operate. Depending on the conditions attached to a concession, some of the items discussed in this booklet may not apply to a particular fishing operation.



Macquarie Island Toothfish Fishery Management Plan 2006

as amended

made under section 17 of the

Fisheries Management Act 1991

This compilation was prepared on 5 February 2013
taking into account amendments up to *Macquarie Island Toothfish Fishery
Management Plan Amendment 2012*

Prepared by the Australian Fisheries Management Authority and the Office of
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Section 1

Part 1 Introduction**1 Name of Management Plan** [see Note 1]

This Management Plan is the *Macquarie Island Toothfish Fishery Management Plan 2006*.

2 Commencement [see Note 1]

This Management Plan commences on the day after it is registered.

3 Definitions

In this Management Plan:

Act means the *Fisheries Management Act 1991*.

acting for a person means acting with the consent of, and on behalf of, the person.

agent, of the holder of a statutory fishing right, means:

- (a) a person responsible for the affairs and property of the holder under a law of the Commonwealth, a State or a Territory, including a receiver, liquidator, trustee or guardian of the holder, or an executor or administrator of the holder's estate; or
- (b) a person appointed as the holder's agent under section 33.

approved form means the form approved by AFMA for the purposes of the section in which the term is used.

bycatch means the incidental catch of marine life other than Patagonian toothfish.

certificate, for a statutory fishing right, means a certificate given under subsection 22 (2) of the Act as evidence of the grant of the statutory fishing right.

eligible person means a person who is registered as an eligible person for a grant of a statutory fishing right under section 26 of the Act.

fishery means the Macquarie Island Toothfish Fishery.

fishery area means the area described in Schedule 1.

fishery observer means a person who is authorised by AFMA to carry out the functions of a fishery observer under this Management Plan.

fishing year means the period determined by AFMA.

identification code, for a boat, means the identification code allocated by AFMA to the boat under regulation 12 of the *Fisheries Management Regulations 1992*.

MAC means the Management Advisory Committee established under section 54 of the *Fisheries Administration Act 1991*.

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Macquarie Island Toothfish Fishery means fishing for Patagonian toothfish in the fishery area.

nominated boat, for a holder of statutory fishing rights, means a boat whose details are entered in the Register, under section 45 of the Act, as the nominated boat for the holder of the rights.

Patagonian toothfish means fish of the species *Dissostichus eleginoides*.

quota, for a statutory fishing right, means the amount of Patagonian toothfish that may be taken, in a fishing year, under the right.

Note For the determination of the quota for a statutory fishing right, see subsection 13 (3).

RAG means the Resource Assessment Group established by AFMA to provide advice in relation to the research needs, stock status, environment and economics of Southern Ocean fisheries.

statutory fishing right means a right to take, from the fishery area, in each fishing year, a particular proportion of the total allowable catch of Patagonian toothfish.

total allowable catch, for Patagonian toothfish, means the total weight of fish of that species that may be taken under statutory fishing rights in a fishing year by fishing in the fishery area, as determined by AFMA under section 11.

Note Unless otherwise stated, a term used in this Management Plan and in the Act has the same meaning in this Management Plan as it has in the Act. The following terms are defined in subsection 4 (1) of the Act:

- AFMA
- AFZ
- Australian boat
- coastal waters
- fish
- fishing
- fishing permit
- officer
- Panel
- precautionary principle
- processing
- Register
- scientific permit
- statutory fishing right
- take.

4 Origin of geographical coordinates

The origin of geographical coordinates used in this Management Plan is the Geodetic Datum Australia 1994 (GDA94).

5 Objectives (Act s 17 (5))

The objectives of this Management Plan are:

- (a) to manage the fishery efficiently and cost-effectively for the Commonwealth; and

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- (b) to ensure that the exploitation of the resources of the fishery and the carrying on of any related activities are conducted in a manner consistent with the principles of ecologically sustainable development and the exercise of the precautionary principle, and in particular, the need to have regard to the impact of fishing activities on non-target species and the long-term sustainability of the marine environment; and
- (c) to maximise economic efficiency in the exploitation of the resources of the fishery; and
- (d) to ensure AFMA's accountability to the fishing industry and to the Australian community in management of the resources of the fishery; and
- (e) to reach Government targets for the recovery of the costs of AFMA in relation to the fishery; and
- (f) to ensure, through proper conservation and management, that the living resources of the AFZ are not endangered by over-exploitation; and
- (g) to achieve the best use of the living resources of the AFZ; and
- (h) to ensure that conservation and management measures in the fishery implement Australia's obligations under international agreements that deal with fish stocks, and other relevant international agreements.

6 Measures by which the objectives are to be attained (Act s 17 (5))

The measures by which the objectives of this Management Plan are to be attained include the following:

- (a) undertaking an annual evaluation of the services required to manage the fishery (including, for example, management, enforcement, compliance, register maintenance, data collection, research and consultation services);
- (b) revising the number, range and cost of those services evaluated under paragraph (a) as shown to be necessary by the evaluation;
- (c) determining reference points for maintaining an ecologically sustainable stock of Patagonian toothfish;
- (d) setting the total allowable catch for Patagonian toothfish for the fishery and, each year in the fishery, as needed, to manage the species, taking account of information from the RAG and the MAC on appropriate harvest levels;
- (e) if any stocks of target or bycatch species are considered depleted, implementing a strategy to meet stock recovery targets;
- (f) granting statutory fishing rights for the fishery to eligible persons;
- (g) limiting the number of boats operating in the fishery to 3 initially;
- (h) developing and implementing a management strategy to ensure that fishing is conducted in an ecologically sustainable way;
- (i) developing and implementing a 5-year strategic research program to support assessment and management of the fishery and reviewing the program annually;

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- (k) ensuring that a fishery assessment plan is developed and reviewed in accordance with section 9;
- (l) monitoring the impact of fishing on Patagonian toothfish, species that are caught as bycatch, ecologically-related species and the marine environment, and implementing any related strategies that are necessary to ensure the sustainability of those species and the marine environment, and to ensure that bycatch limitations are not exceeded;
- (m) continually evaluating the mechanisms that have been put into place to monitor fishing against statutory fishing rights and the total allowable catch, and modifying those mechanisms, as necessary, to improve the monitoring;
- (n) periodically checking the accuracy and consistency of information kept in relation to the fishery;
- (o) issuing directions prohibiting the use of the fishery, or part of the fishery, during specified periods, telling the holders of statutory fishing rights about those directions, and requiring the holders to comply with the directions;
- (p) implementing long-term management arrangements that pursue economic efficiency for the fishery;
- (q) periodically evaluating whether the range and extent of management services provided by AFMA are consistent with cost-effective management;
- (r) preparing an annual budget of costs associated with managing the fishery, and setting and collecting levies and fees for the fishery;
- (s) developing management measures each year including measures having regard for the conservation measures developed by the Commission for the Conservation of Antarctic Marine Living Resources;
- (t) implementing the management measures mentioned in paragraph (s) by imposition of appropriate conditions on statutory fishing rights or by appropriate legislative means.

7 Performance criteria against which measures taken may be assessed (Act s 17 (5))

- (1) The performance criteria against which the measures taken may be assessed are:
 - (a) that AFMA includes in its annual report details of the range and cost of services provided by AFMA in that year; and
 - (b) that AFMA's management of the fishery is assessed periodically and is acknowledged by government and key stakeholders to be pursuing a cost-effective service; and
 - (c) that Patagonian toothfish population numbers must not fall below the sustainable reference point set; and
 - (d) that a total allowable catch is set for Patagonian toothfish for each fishing year, and that (unless provision is made for corresponding reductions in subsequent years) the amount of fish that may be taken in a fishing year is not exceeded in the year; and

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- (e) that statutory fishing rights are granted to eligible persons; and
 - (f) that no more than 3 boats operate in the fishery at any time unless AFMA has authorised more; and
 - (g) that effective strategies are in place to ensure that stocks of any depleted fish resources are being rebuilt; and
 - (h) that the catch of species other than Patagonian toothfish is reduced to, or kept at, a minimum, and below a level that will allow stocks of the other species to be maintained at ecologically-sustainable levels; and
 - (i) that cost-effective and high quality research is carried out in relation to the fishery in accordance with a 5-year strategic research plan, the results of which are:
 - (i) included in the assessment process of the fishery; and
 - (ii) published in the assessment reports of the fishery; and
 - (iii) taken into consideration in determining the total allowable catch, and other management arrangements, in a fishing year; and
 - (k) that the monitoring required by the fishery assessment plan developed under section 9 has been undertaken; and
 - (l) that data is collected and analysed in a timely manner to enable:
 - (i) evaluation of the effectiveness of the strategies to maintain or rebuild the resources of the fishery at, or to, an acceptable level; and
 - (ii) modification of those strategies; and
 - (m) that the economic efficiency of the fishery is assessed periodically using economic data provided, on request, by statutory fishing right holders; and
 - (n) that the management measures implemented for the fishery allow the holders of statutory fishing rights to pursue practices consistent with maximising economic efficiency in the fishery; and
 - (o) that AFMA has prepared annual budgets, and recommendations for levies have been agreed by the AFMA board; and
 - (p) that the government's targets for cost recovery have been achieved through AFMA's cost recovery policy; and
 - (q) that the budgetary objectives of the fishery are achieved.
- (2) AFMA and the MAC must, at least once every 5 years, assess the effectiveness of the Management Plan including the measures taken to achieve the objectives of this Management Plan by reference to the performance criteria mentioned in subsection (1).
- (3) AFMA must include in its annual report for a financial year a statement of the extent to which the performance criteria mentioned in subsection (1) were met in the year.
- (4) Each year, the MAC must assess the extent to which the performance criteria mentioned in subsection (1) have been met in that year.

Section 9**8 Bycatch (Act s 17 (6D))**

- (1) AFMA must ensure that bycatch is reduced to, or kept at, a minimum.
- (2) AFMA must ensure that:
 - (a) the total catch of species other than Patagonian toothfish is kept below a level that will allow stocks of the other species to be maintained at an ecologically sustainable level; and
 - (b) all reasonable steps are taken to minimise incidental interactions with seabirds and marine mammals; and
 - (c) the ecological impacts of fishing operations on habitats in the fishery area are minimised and kept below an acceptable level.

9 Fishery assessment plan

- (1) AFMA must develop and implement a fishery assessment plan to ensure that an adequate program of monitoring takes place in the fishery.
- (2) The fishery assessment plan must provide for:
 - (a) an adequate program of monitoring to ensure that reliable stock estimates can be made for Patagonian toothfish; and
 - (b) adequate monitoring of the direct impact of the fishery on species other than Patagonian toothfish and the ecosystem in the fishery area; and
 - (c) the allocation, before the beginning of each fishing year, of monitoring responsibilities to statutory fishing right holders in proportion to the numbers of statutory fishing rights they are likely to hold at the beginning of that fishing year.
- (3) In developing and implementing a fishery assessment plan, AFMA must:
 - (a) consult, and have regard to the views of, the MAC, the RAG and the holders of statutory fishing rights; and
 - (b) have regard to the 5-year strategic research plan mentioned in paragraph 6 (i).

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Part 2 Total allowable catch**10 Reference points**

- (1) As soon as practicable AFMA must determine population reference points for Patagonian toothfish that are appropriate for maintaining an ecologically sustainable fishery.
- (2) Each year, AFMA must review the reference points set under subsection (1) to ensure that they remain appropriate for maintaining an ecologically sustainable fishery.

11 Determination of total allowable catch and other catch limits

- (1) Before the beginning of each fishing year, AFMA must determine the total allowable catch for Patagonian toothfish for the fishery for the fishing year.
- (2) Before the beginning of each fishing year, AFMA may determine the limit to the amount of any other species (including a limit that is a total for a number of species) that may be taken from the fishery in the fishing year.
- (3) Before deciding the total allowable catch and any other catch limits for a fishing year, AFMA:
 - (a) must take into account the reference points determined under section 10; and
 - (b) must consult, and consider the views of, the MAC and the RAG.
- (4) Before the beginning of each fishing year, AFMA must give to the holder of each statutory fishing right for the fishery a notice stating:
 - (a) the total allowable catch for Patagonian toothfish for the fishing year; and
 - (b) the quota allocated to the right for the fishing year; and
 - (d) any catch limits for other species that may be taken from the fishery in that fishing year.

Part 3 Right to fish in the fishery

12 Who may fish in the fishery

Subject to section 15, a person may engage in fishing in the fishery only if the person:

- (a) holds, or is acting on behalf of another person who holds, at least 25.5% of all the statutory fishing rights issued for the fishery; and
- (b) is using the boat that is nominated for the statutory fishing rights.

Note Section 21 deals with the nomination of boats for statutory fishing rights.

13 Quantity of fish that may be taken

- (1) In a fishing year, a person who holds, or is acting on behalf of another person who holds, statutory fishing rights for the fishery area must not take from the fishery area an amount of Patagonian toothfish greater than the quota allocated to those rights for the fishing year.
- (2) The quota allocated to a statutory fishing right for a fishing year is worked out by dividing the total allowable catch in the fishing year by the total number of statutory fishing rights in force at the start of the fishing year.
- (3) In working out the quota allocation for a statutory fishing right in a fishing year, a statutory fishing right that is suspended under subsection 38 (1) or (3), or paragraph 98 (3) (d), of the Act is taken to be in force.
- (4) For subsection (1), a person may not take fish from the fishery unless the person holds statutory fishing rights with uncaught quota at least equal to the amount of fish taken.
- (5) For subsection (4):

uncaught quota, for a holder and at a time in a season, means the balance of quota, available on all the holder's statutory fishing rights, that remains after deducting the weight of Patagonian toothfish taken by the holder up to that time.

14 Overcatch

- (1) This subsection applies to a person if:
 - (a) in a fishing year (the *first year*), the person takes an amount of Patagonian toothfish that exceeds, by no more than 10 tonnes, the quota allocated to the statutory fishing rights held by the person in the fishing year; and
 - (b) at the beginning of the following fishing year (the *second year*), the person holds statutory fishing rights that would, in the absence of this section, entitle the person to take an amount of fish at least equal to the amount by which the person exceeded the quota mentioned in paragraph (a).

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- (2) If subsection (1) applies to a person, the person is considered, for section 13, to have taken:
- (a) during the first year, an amount of fish equal to the quota allocated to the statutory fishing rights held by the person in the first year; and
 - (b) during the second year, an amount of fish, in tonnes, according to the formula:

$$\text{amount} = (\text{1st year take} - \text{1st year quota}) + \text{2nd year take}$$

where:

amount is the amount of fish, in tonnes, the person is considered to have taken in the second year.

1st year take is the amount of fish, in tonnes, actually taken in the first year.

1st year quota is the quota, in tonnes, allocated to the statutory fishing rights held by the person in the first year.

2nd year take is the amount of fish, in tonnes, actually taken in the second year.

- (3) This subsection applies to a person if:
- (a) the person exceeds the person's quota, in the manner described in subsection (1), by more than 10 tonnes but not more than 20 tonnes; and
 - (b) at the beginning of the following fishing year (the **second year**), the person holds statutory fishing rights that would, in the absence of this section, enable the person to take an amount of fish, in tonnes, at least equal to the amount computed according to the formula:

$$\text{amount} = [3 \times (\text{1st year take} - 10 - \text{1st year quota})] + 10$$

where:

amount is the amount computed according to the formula.

1st year take has the same meaning as in subsection (2).

1st year quota has the same meaning as in subsection (2).

2nd year take has the same meaning as in subsection (2).

- (4) A person to whom subsection (3) applies is considered, for section 13, to have taken:
- (a) during the first year, an amount of fish equal to the quota allocated to the statutory fishing rights held by the person in the first year; and
 - (b) during the second year, an amount of fish, in tonnes, according to the formula:

$$\text{amount} = [3 \times (\text{1st year take} - 10 - \text{1st year quota})] + 10 + \text{2nd year take}$$

where:

amount has the same meaning as in subsection (2).

1st year take has the same meaning as in subsection (2).

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1st year quota has the same meaning as in subsection (2).

2nd year take has the same meaning as in subsection (2).

- (5) This subsection applies to a person if the person exceeds the person's quota, in the manner described in subsection (1), by more than 20 tonnes.
- (6) A person to whom subsection (5) applies is considered, for section 13, during the second year, to have taken an amount of fish according to the formula set out in paragraph (4) (b).
- (7) To avoid any doubt, in a case to which subsection (5) applies the person is still considered to have taken, in the first year, the amount of fish actually taken in that year, as well as being considered to have taken an additional amount in the second year.

15 Right to use a boat for scientific research

- (1) A person may use a boat in the fishery area for scientific research about the fishery only if the person is, or is acting for, the holder of a scientific permit that authorises the use of the boat in the fishery area for that purpose.

Note 1 See section 33 of the Act about the grant of a scientific permit.

Note 2 Scientific permits may be issued under the Act to cover research that does not target target species.

- (2) However, a person who holds a scientific permit and a statutory fishing right, or statutory fishing rights, must not take more fish from the fishery area than is allowed for the statutory fishing rights by section 13.

Part 4 Statutory fishing rights

Division 4.1 Registration of eligible persons for grant of statutory fishing rights

16 Conditions for registration (Act s 26)

- (1) Subsection (2) applies if AFMA publishes a notice under section 24 of the Act:
 - (a) declaring that AFMA intends to grant statutory fishing rights for Patagonian toothfish other than by tender; and
 - (b) specifying a date (the *notice date*) for the purposes of subsection (2).
- (2) A person satisfies the conditions for registration as an eligible person for the grant of a statutory fishing right for Patagonian toothfish if, on the notice date, the person is the holder of a fishing concession that allows the holder to fish for Patagonian toothfish in either sector of the fishery.
- (3) Subsection (4) applies if AFMA publishes a notice under section 24 of the Act calling for tenders in respect of the grant of statutory fishing rights for the taking of Patagonian toothfish in a sector of the fishery area.
- (4) Subject to subsections (5) and (6), a person satisfies the conditions for registration as an eligible person for the grant of a statutory fishing right for Patagonian toothfish in a sector of the fishery area if the person has made an application for registration accompanied by a tender in accordance with subsection 27 (3) of the Act.
- (5) A person convicted of any breach of a fisheries regulation law, whether in Australia or elsewhere, is not entitled to register under subsection (4) unless the conviction is disclosed and the written approval of AFMA to register is obtained.

Note For offences in relation to making false or misleading statements in applications, see section 136.1 of the *Criminal Code*.

- (6) A person associated with a vessel on any IUU vessel list is not entitled to register under subsection (4) unless the association is disclosed in full and the written approval of AFMA to register is obtained.

Note 1 Australia, as a signatory to the Convention on the Conservation of Antarctic Marine Living Resources, and as a member of the Commission established under the Convention, has resolved to support Conservation Measures 10-06 (2005) and 10-07 (2005) of the Commission which seek to minimise illegal, unregulated and unreported fishing in Sub-Antarctic and Antarctic fisheries. The Convention and the Conservation Measures may be viewed on, or downloaded from, the internet site for the Commission, www.ccamlr.org.

Note 2 For offences in relation to making false or misleading statements in applications, see section 136.1 of the *Criminal Code*.

(7) For subsection (6):

associated with a vessel means any of the following:

- (a) being, or having been, an owner of the vessel;
- (b) having, or having had, a proprietary or beneficial interest in the vessel, whether directly or through an intervening entity (within the meaning given by Chapter 2E of the *Corporations Act 2001*);
- (c) being, or having been, a member of its crew.

IUU vessel list means any of the lists maintained by the Commission for the Conservation of Antarctic Marine Living Resources of vessels known, or presumed from available evidence, to have been engaged in, or used as support for, illegal, unregulated or unreported fishing in Sub-Antarctic or Antarctic fisheries.

Note The IUU vessel lists may be viewed on, or downloaded from, the internet site for the Commission, www.ccamlr.org.

(8) AFMA may refuse to register a person under subsection (4) if AFMA reasonably suspects that the person may undertake, or direct the undertaking of, illegal, unregulated or unreported fishing or may otherwise undermine the attainment of the marine resource conservation objectives of the Convention on the Conservation of Antarctic Marine Living Resources.

Note 1 See section 24 of the Act about publication of a notice by AFMA declaring that AFMA intends to grant statutory fishing rights for fishing in a managed fishery.

Note 2 An application for registration as an eligible person for the grant of a statutory fishing right must be made within the period stated in a notice published under section 24 of the Act: see paragraph 25 (f), and subsection 26 (1), of the Act.

Note 3 Under subsection 26 (2) of the Act, AFMA must register as an eligible person an applicant for registration who meets the conditions for registration and who has paid the prescribed fee (if any).

Note 4 A decision under subsection 26 (2) of the Act is subject to reconsideration under section 165 of the Act: see subsection 165 (2). Application may be made to the Administrative Appeals Tribunal for review of a decision under section 165 of the Act: see subsection 165 (7).

Note 5 When statutory fishing rights were first granted there were 2 sectors in the fishery. AFMA granted 5,000 statutory fishing rights for each sector under section 17 and 5,000 statutory fishing rights for each sector by tender. AFMA does not propose to grant further statutory fishing rights.

Division 4.2 Grant of statutory fishing rights

17 Provisional grants (Act s 23)

AFMA must make a provisional grant of 5,000 statutory fishing rights for each sector of the fishery for the taking of Patagonian toothfish to a person who is registered under subsection 16 (2) as an eligible person for the grant of statutory fishing rights for the fishery.

Note See:

- (a) section 23 of the Act about the provisional grant of a statutory fishing right; and
- (b) Part 8, Division 3 of the Act about review by the statutory fishing rights Allocation Review Panel.

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18 Request for grant of statutory fishing rights after provisional grant (Act s 31)

- (1) AFMA must send a notice (the *reminder notice*) to a person entitled to a provisional grant under section 17 telling the person that he or she must make a request within the period stated in the notice if the person has not made a request for the grant within 30 days after the Gazette notice is published under subsection 23 (2) of the Act.

Note 1 AFMA must grant a statutory fishing right for the taking of Patagonian toothfish in a sector of the fishery area to a person if:

- (a) a notice mentioned in subsection 23 (2) of the Act stating that the person is to be granted the right is published in the *Gazette* (the *Gazette notice*); and
- (b) the person asks AFMA to make the grant. See section 31 of the Act.

Note 2 Under subsection 23 (3) of the Act, AFMA must not grant a statutory fishing right:

- (a) until the end of the period within which applications may be made to the Panel for review of provisional grants; or
- (b) if an application has been made to the Panel — before the application has been dealt with by the Panel or otherwise disposed of.

- (2) If the person does not make the request within the period stated in the reminder notice, AFMA must send another notice (the *final notice*) to the person stating that the person's registration will be cancelled if the person does not, within 14 days after the final notice is sent:

- (a) make the request; and
- (b) explain why the person did not make the request within the period stated in the reminder notice.

- (3) AFMA must cancel the person's registration as an eligible person if, despite a final notice, the person does not:

- (a) make the request within 14 days after the final notice is sent; and
- (b) satisfy AFMA that the person had a reasonable excuse for not making the request within the period stated in the reminder notice.

- (4) If AFMA cancels a person's registration as an eligible person, AFMA must amend its records accordingly.

Note 1 AFMA must grant a statutory fishing right to a person to whom the grant of the right is available if the person asks AFMA to grant the right: see section 31 of the Act.

Note 2 A decision under section 31 of the Act (other than a decision following an auction, tender or ballot) is subject to reconsideration under section 165 of the Act: see subsection 165 (2). Application may be made to the Administrative Appeals Tribunal for review of a decision under section 165 of the Act: see subsection 165 (7).

Note 3 A statutory fishing right ceases to have effect if AFMA revokes this Management Plan: see subsections 20 (4) and 22 (3) of the Act.

Note 4 AFMA must register all statutory fishing rights granted: see section 45 of the Act.

19 Request for grant of statutory fishing right – successful tender

- (1) AFMA must send a notice to a person entitled, under subsection 29 (2) of the Act, to the grant of a statutory fishing right for the taking of Patagonian toothfish, informing the person that:
 - (a) the person must make a request for the grant; and
 - (b) the person must tender the amount required by subsection 30 (2) of the Act in relation to the right within 30 days after the grant became available.
- (2) For paragraph (1) (a), a person who tenders the amount required by paragraph (1) (b) within the specified time is also taken to have made a request for the grant.

Note 1 AFMA must grant a statutory fishing right for the taking of Patagonian toothfish in a sector of the fishery area to a person if the person has been ranked highest on the precedence list prepared for the grant of the statutory fishing right by tender.

Note 2 Sections 28 and 29 of the Act describe the preparation of a *precedence list*.

Note 3 AFMA proposes to offer all available statutory fishing rights, that are to be made available by tender, for tender at the same time. If the highest bidder has bid for less than all the available statutory fishing rights, the next highest bidder will be entitled to the number of remaining rights that he or she has bid for, and so on — see sections 28 and 29 of the Act.

Note 4 Subsection 30 (2) of the Act provides that if payment is not received within 30 days the grant ceases to be available to the person and the grant then becomes available to the next person on the precedence list.

20 Certificate showing grant (Act s 22 (2))

- (1) AFMA must note the following details on the certificate for a statutory fishing right:
 - (a) the name of the person to whom the right is granted;
 - (b) a description of the right;
 - (d) the conditions to which the right is subject.
- (2) A certificate may show the grant of more than 1 statutory fishing right to a person.
- (3) AFMA must give to a person to whom a statutory fishing right is granted an extract of the Register:
 - (a) that states the conditions to which the right is subject; and
 - (b) that is signed for AFMA by a person having authority to sign it.

Note Section 45 of the Act provides that AFMA must enter certain information in the Register for each statutory fishing right that it grants, including such particulars as are prescribed.

Section 21

Division 4.3 Nomination of boat

21 Nomination of boat

AFMA must not register a boat as the nominated boat for a person if:

- (a) the person holds less than 51% of the statutory fishing rights in the fishery, and another boat is registered as the nominated boat for the person; or
- (b) the person holds 51% or more, but less than 76.5%, of the statutory fishing rights in the fishery, and 2 other boats are registered as nominated boats for the person; or
- (c) the person holds 76.5% or more of the statutory fishing rights in the fishery, and 3 other boats are registered as nominated boats for the person.

Part 5 Fishing in the fishery

Division 5.1 Obligations of holders of statutory fishing rights

27 Environmental requirements

- (1) It is a condition of a statutory fishing right that the holder must, while in the fishery area:
 - (a) take all reasonable steps to avoid losing any gear or other non-biodegradable items from the boat; and
 - (b) tell AFMA, in writing, about any loss of gear or any other non-biodegradable item within 48 hours after the loss (including details of the quantity and description of the lost item, the time, date and position at which it was lost, and the circumstances surrounding the loss); and
 - (c) ensure that no poultry products (including eggs or egg shells) or brassicas (for example, broccoli, cabbage) are discharged from the boat; and
 - (d) subject to subsection (4) and any conditions attached to the statutory fishing right, ensure that no offal or bycatch is discharged from the boat; and
 - (e) subject to subsection (5), ensure that no fish meal is discharged from the boat; and
 - (f) ensure that the amount of light showing from the boat does not exceed the amount necessary for the safe operation of the boat; and
 - (g) take all reasonable steps to minimise the risk and severity of collision with sea birds and marine mammals, and comply with any reasonable direction of a fishery observer to minimise that risk; and
 - (h) ensure that, if possible, plastic packing bands are not used to secure items on board the boat, unless the bands are an essential part of the boat's gear; and
 - (i) if items secured by plastic packing bands are brought on board the boat, and those bands are removed, ensure that:
 - (i) they are cut so that they do not form a continuous loop; and
 - (ii) they are incinerated at the earliest opportunity; and
 - (iii) any plastic residue from the incinerator is stored on board the boat and disposed of on reaching port.
- (2) It is also a condition of a statutory fishing right that the holder must not target marine life other than Patagonian toothfish.
- (3) For paragraph (1) (b), the holder is not taken to have complied with the paragraph unless AFMA has replied, in writing, saying that the holder's transmission has been fully received and is legible.

Section 29

- (4) If, because of a mechanical breakdown of the meal plant, it is not practicable to retain all offal and bycatch on board the boat, the holder:
- (a) may discharge offal or bycatch from the boat; and
 - (b) must:
 - (i) tell AFMA, in writing, about the breakdown and discharge of offal within 48 hours after it becomes necessary to discharge offal; and
 - (ii) take all reasonable steps that are necessary to ensure that birds and mammals are not attracted to the boat during discharge; and
 - (iii) comply with regulations made for the purpose of this subsection; and
 - (c) must, if he or she can practicably do so, discharge the offal or bycatch whole, and at night.
- (5) If a batch of fish meal contains more than 10.5% moisture or the holder reasonably believes that there is a risk that the batch will spontaneously ignite, the holder:
- (a) may discharge the batch of meal, but not the container in which it is stored, from the boat; and
 - (b) must comply with regulations made for the purpose of this subsection.

29 Other obligations of holders of statutory fishing rights

It is a condition of a statutory fishing right that the holder must:

- (a) comply with this Management Plan, and any Regulations made for the purposes of this Management Plan; and
- (b) take reasonable measures to ensure that the following are kept to a minimum:
 - (i) the catch of Patagonian toothfish not taken in accordance with this Management Plan;
 - (ii) the incidental catch of species other than Patagonian toothfish;
 - (iii) the impact of fishing operations on the marine environment; and
- (c) comply with the fishery assessment plan developed under section 9; and
- (d) if AFMA asks the holder to give AFMA reasonable access to biological, economic or technical information, or biological samples that are available to the holder — give AFMA reasonable access to the information or samples; and
- (e) carry on board the nominated boat a copy of the extract from the Register showing the name of the boat and, if the boat is registered under a law of the Commonwealth or of a State or Territory, its identification code.

Note 1 Other conditions of a statutory fishing right are set out on the certificate for the right. These include bycatch limits, reporting requirements, and conditions regarding AFMA's vessel monitoring system. As new monitoring technologies are developed, the conditions may also include conditions regarding the use of those technologies.

Note 2 The holder of a statutory fishing right must also comply with relevant regulations, including the *Fisheries Management Regulations 1992* and the annual Levy Regulations.

Note 3 See section 42 of the Act and Part 9 of the *Fisheries Management Regulations 1992* about the requirement to keep a logbook. If the holder of a statutory fishing right does not keep a logbook under Part 9 of those Regulations, AFMA may issue an infringement notice under Part 10 of those Regulations or suspend the operation of the statutory fishing right.

Note 4 See also section 22 of the Act for other conditions to which a statutory fishing right is subject.

Note 5 See section 38 of the Act about AFMA's power to suspend a statutory fishing right if it has reasonable grounds to believe that there has been a contravention of a condition of the right.

Section 32**Part 6 Miscellaneous****32 Delegation**

AFMA may, by writing under its common seal, delegate to an employee of AFMA any of its powers or functions under this Management Plan, except its powers under section 11 and this section.

Note See subsection 17 (11) of the Act about the delegation of powers under section 11.

33 Agents

- (1) If the holder of a statutory fishing right appoints a person to be the holder's agent for a matter to which this Management Plan applies, the holder must give AFMA a notice that states:
 - (a) the name of the agent; and
 - (b) the powers that may be exercised by the agent.
- (2) A notice must be accompanied by the instrument, or a certified copy of the instrument, by which the holder appointed the agent.
- (3) For this Management Plan, the appointment of an agent by the holder of a statutory fishing right is of no effect unless AFMA has been told about the appointment under subsection (1).
- (4) In deciding an application under this Management Plan:
 - (a) AFMA may assume that a notice given under this section is properly given; and
 - (b) AFMA need not verify, by other means, the authority of the agent to make the application.

34 Notices

- (1) In this section:

residential, office, postal or e-mail address, or facsimile number, for the holder of a statutory fishing right, means the holder's residential, office, postal or e-mail address, or facsimile number, stated in the Register.

notice means a notice that is required, or allowed, by this Management Plan to be given in writing.
- (2) A notice to the holder of a statutory fishing right is taken to be given to the holder if it is:
 - (a) delivered to the holder's residential or office address; or
 - (b) posted to the holder's postal address; or
 - (c) sent by facsimile to the holder's facsimile number; or
 - (d) sent by e-mail to the holder's e-mail address.

Section 34

- (3) A notice to AFMA must be addressed to the Manager, Licensing and Quota Management, Australian Fisheries Management Authority, and:
- (a) delivered to the reception desk at:
Level 6, 73 Northbourne Avenue
Canberra City ACT 2600; or
 - (b) posted to:
PO Box 7051
Canberra Business Centre
ACT 2610; or
 - (c) sent by fax (from within Australia) to:
(02) 6225 5426; or
 - (d) sent by fax (from outside Australia) to:
612 6225 5426; or
 - (e) sent by e-mail to:
licensing@afma.gov.au; or
 - (f) delivered, posted or sent by fax or e-mail to another office address, postal address or facsimile number notified by AFMA by notice published in a newspaper circulating in the State or Territory in which the address or facsimile receiver is located.
- (4) A notice to a person is taken to have been given to the person if it is delivered, or sent by fax or e-mail, to the person's last known address.
- (5) A notice given to the holder of a statutory fishing right under this section is taken to have been given to the holder:
- (a) if the notice is delivered to the holder's residential or office address — on the day when it is delivered; and
 - (b) if the notice is sent by facsimile to the holder's facsimile number:
 - (i) on a working day between 9 am and 4 pm — 1 hour after the notice is sent; and
 - (ii) otherwise — at 9 am on the next working day after the day when the notice is sent.

Note Under subsection 160 (1) of the *Evidence Act 1995*, it is presumed (unless evidence is sufficient to raise doubt about the presumption is adduced) that a postal article sent by pre-paid post addressed to a person at a specified address in Australia or in an external Territory was received at that address on the fourth working day after having been posted.

- (6) In this section:
- working day*** means a day that is not:
- (a) a Saturday or Sunday; or
 - (b) a public holiday or a bank holiday in the place to which the notice is sent.

Section 35

Part 7 Transitional**35 Transitional**

- (1) This section ceases to have effect on the day specified in a notice published in the *Gazette* for that purpose.
- (2) The day specified in the notice must not be earlier than the day on which the notice is published.
- (3) Despite section 12, a person may engage in fishing in the fishery area if the person holds a fishing permit that is in force.
- (4) This Management Plan does not affect a fishing permit, or a condition to which the permit is subject.
- (5) This Management Plan does not prevent AFMA from granting or transferring a fishing permit.

Schedule 1 Fishery area

(section 3)

All areas of the AFZ adjacent to Macquarie Island excluding the waters of the State of Tasmania

Table of Instruments

Notes to the *Macquarie Island Toothfish Fishery Management Plan 2006***Note 1**

The *Macquarie Island Toothfish Fishery Management Plan 2006* (in force under section 17 of the *Fisheries Management Act 1991*) as shown in this compilation is amended as indicated in the Tables below.

Table of Instruments

| Title | Date of FRLI registration | Date of commencement | Application, saving or transitional provisions |
|--|----------------------------------|-----------------------------|---|
| <i>Macquarie Island Toothfish Fishery Management Plan 2006</i> | 3 Apr 2006 (see F2006L00933) | 4 Apr 2006 | |
| <i>Macquarie Island Toothfish Fishery Management Plan Amendment 2009 (No. 1)</i> | 10 July 2009 (see F2009L02721) | 1 July 2009 | — |
| <i>Fisheries Legislation (Management Plans) Amendment 2011 (No. 1)</i> | 19 Dec 2011 (see F2011L02746) | 20 Dec 2011 | — |
| <i>Macquarie Island Toothfish Fishery Management Plan Amendment 2011</i> | 30 Jan 2012 (see F2012L00102) | 31 Jan 2012 | — |
| <i>Macquarie Island Toothfish Fishery Management Plan Amendment 2012</i> | 30 Jan 2013 (see F2013L00118) | 31 Jan 2013 | — |

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|---------------------------|--|
| Part 1 | |
| S. 3..... | am. 2009 No. 1; 2011 No. 1; F2012L00102; F2013L00118 |
| S. 6..... | am. F2012L00102; F2013L00118 |
| S. 7..... | am. F2013L00118 |
| S. 8..... | am. F2013L00118 |
| S. 9..... | am. F2013L00118 |
| Note to s. 8 (3) | rep. 2011 No. 1 |
| Part 2 | |
| S. 10..... | am. F2012L00102 |
| S. 11..... | am. F2012L00102; F2013L00118 |
| Part 3 | |
| S. 13..... | am. F2012L00102 |
| Part 4 | |
| Division 4.1 | |
| Note 5 to s. 16..... | rs. F2012L00102 |
| Division 4.2 | |
| S. 20..... | am. F2012L00102 |
| Division 4.3 | |
| Div. 4.3 of Part 4 | rs. 2011 No. 1 |
| S. 21..... | rs. 2011 No. 1 |
| S. 22..... | rep. 2011 No. 1 |
| S. 23..... | rep. 2011 No. 1 |
| Div. 4.4 of Part 4 | rep. 2011 No. 1 |
| S. 24..... | rep. 2011 No. 1 |
| S. 25..... | rep. 2011 No. 1 |
| S. 26..... | rep. 2011 No. 1 |
| Part 5 | |
| S. 28..... | rep. 2011 No. 1 |
| S. 29..... | rs. 2011 No. 1 |
| Div. 5.2 of Part 5 | rep. 2011 No. 1 |
| S. 30..... | rep. 2011 No. 1 |
| Part 6 | |
| S. 31..... | rep. 2011 No. 1 |
| S. 32..... | am. 2011 No. 1 |
| Note to s. 32..... | am. 2011 No. 1 |
| S. 34..... | am. 2011 No. 1; F2012L00102 |
| Schedule 1 | |
| Schedule 1 | rs. F2012L00102 |



Macquarie Island Toothfish Fishery (Total Allowable Catch) Determination 2021

The Australian Fisheries Management Authority makes the following determination in accordance with a decision made by the Commission under section 23 of the *Fisheries Administration Act 1991*.

Dated 18 August 2021

A handwritten signature in black ink, appearing to read 'Wez Norris', is positioned above the name and title.

Wez Norris
Chief Executive Officer

1 Name

This instrument is the *Macquarie Island Toothfish Fishery (Total Allowable Catch) Determination 2021*.

2 Commencement

This instrument commences on 15 April 2022.

3 Authority

This instrument is made pursuant to paragraph 17(6)(aa) of the *Fisheries Management Act 1991* under section 11 of the *Macquarie Island Toothfish Fishery Management Plan 2006* (the Plan).

4 Cessation

This instrument ceases on 15 April 2024.

5 Definitions

A term used in this instrument that is defined for the purposes of the *Plan* has the same meaning in this instrument as it has in the Plan.

Note: Terms defined in the *Fisheries Management Act 1991* have the same meanings in this instrument.

6 Determination of total allowable catch

- (1) The total allowable catch for Patagonian toothfish and catch limits for other species in the Macquarie Island Toothfish Fishery for the 2022/2023 fishing year, commencing on 15 April 2022 and ending on 14 April 2023, and for the 2023/24 fishing year, commencing on 15 April 2023 and ending on 14 April 2024 are:
 - (a) 635 tonnes for each fishing year for Patagonian toothfish (*Dissostichus eleginoides*); and
 - (b) 50 tonnes for each fishing year for each of the other species in the Macquarie Island Toothfish Fishery.



Macquarie Island Toothfish Fishery (Fishing Year) Determination 2021

The Australian Fisheries Management Authority makes the following determination in accordance with a decision made by the Commission under section 23 of the *Fisheries Administration Act 1991*.

Dated 18 August 2021

A handwritten signature in black ink, appearing to read 'Wez Norris', is positioned above the name and title.

Wez Norris
Chief Executive Officer

1 Name

This instrument is the *Macquarie Island Toothfish Fishery (Fishing Year) Determination 2021*.

2 Commencement

This instrument commences on 15 April 2022.

3 Authority

This instrument is made pursuant to paragraph 17(6)(aa) of the *Fisheries Management Act 1991* under section 3 of the *Macquarie Island Toothfish Fishery Management Plan 2006* (the Plan).

4 Cessation

This instrument ceases on 14 April 2032.

5 Definitions

A term used in this instrument that is defined for the purposes of the *Plan* has the same meaning in this instrument as it has in the Plan.

Note: Terms defined in the *Fisheries Management Act 1991* have the same meanings in this instrument.

6 Determination of fishing year

- (1) The fishing year in the Macquarie Island Toothfish Fishery is:
 - (a) the period starting on 15 April 2022 and ending at the end of 14 April 2023; and
 - (b) Each subsequent period starting on 15 April in a year and ending on 14 April the following year.

MACQUARIE ISLAND TOOTHFISH FISHERY GENERAL CONDITIONS 2022/23

Conditions applying to this Statutory Fishing Right

In addition to the conditions specified by sub section 22(3) and 22 (4A) of the *Fisheries Management Act 1991* (the Act), and the condition in sub section 42(2) of the Act to comply with any logbook determination made by AFMA under subsection 42(1) of the Act, the following conditions are specified for the purposes of paragraph 22(4)(a):

Note: Under sub section 22(5) these conditions may be varied, revoked or a further condition specified by written notice from AFMA.

The concession holder must also comply with all the obligations prescribed in the *Macquarie Island Toothfish Fishery Management Plan 2006* (the Plan), in particular:

| | |
|-------------------|--|
| Section 12 titled | <i>Who may fish in the fishery;</i> |
| Section 13 titled | <i>Quantity of fish that may be taken;</i> |
| Section 27 titled | <i>Environmental requirements; and</i> |
| Section 29 titled | <i>Other obligations of holders of statutory fishing rights.</i> |

By way of subsection 42B(2) of the Act, the *Fisheries Management Regulations 2019* (FM Regulations) may prescribe conditions that apply to fishing concessions. The following conditions apply to this fishing concession:

| | |
|-----------------|--|
| Regulation 33: | Nominated boat must be used on trip |
| Regulation 37: | Concession holder to ensure that vessel monitoring system is fitted and operating; |
| Regulation 40: | Concession holder to ensure provision for observer and equipment; |
| Regulation 41: | Concession holder to ensure observer is able to perform functions. |
| Regulation 43: | Fish to be disposed of to fish receiver permit holder;* |
| Regulation 67: | Prohibited ways of processing fish;* |
| Regulation 68 : | Removal of shark liver;* |
| Regulation 70: | No interaction with protected organism; |
| Regulation 71: | Reporting interaction with protected organism; |
| Regulation 72: | Requirements if protected organism is injured by interaction; and |
| Regulation 73: | Requirements if protected organism killed by interaction. |

* *not applicable to some concessions*

Any terms used in these conditions that are defined in the Act, the Plan and FM Regulations are to be read consistently.

AREA OF THE FISHERY

1. This concession is granted for the area of the fishery as described in Schedule 1 of the Plan.

AREA LIMITATIONS

2. The concession holder must not fish under this concession outside the area of fishery.

APPLICABLE BOAT

3. The concession holder must ensure that the nominated boat displays the boat's International Telecommunications Union Radio/Call Sign (IRCS) in accordance with the below:
 - i. the IRCS must be shown on the boat's deck and each side of the hull;
 - ii. 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.
 - iii. This Division applies in addition to Part 9 of the FM Regulations.

GEAR LIMITATIONS

4. The concession holder is permitted to use the longline and trawl methods on the nominated boat in

the area of the Fishery.

5. The concession holder may only fish by the longline method between 15 April and 7 September 2022 inclusive.
6. The concession holder must ensure that the nominated boat operates under Coordinated Universal Time (UTC) and that all times for boat operations are referenced to UTC.
7. The concession holder must ensure that the nominated boat tows paired streamer lines when deploying longlines. Each of the two streamer lines must be set up in accordance with specifications of streamer lines and method of deployment given in Annex A 25-02A of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Conservation Measure 25-02 (2018).
8. During the longline fishing season integrated weight line, with an integrated weight of at least 50g/m, and paired streamer lines shall be used in conjunction with night setting (ie: setting can only occur during the hours of darkness between the times of nautical twilight).
Note: Nautical dusk and nautical dawn are defined as set out in the Nautical Almanacs for the relevant latitude, local time and date. A copy of the algorithm for calculating these times is available from the CCAMLR Secretariat at <https://www.ccamlr.org/en/node/84096>. All times, whether for boat operations or observer reporting, shall be referenced to UTC.
9. The concession holder is permitted to retrieve any fishing gear that has previously been reported to AFMA as lost under section 27 1(b) of the MIT Fishery Management Plan or that has been lost by Illegal, Unreported or Unregulated fishing operators.
10. The concession holder must not, if fishing for Patagonian Toothfish (*Dissostichus eleginoides*) by trawl method:
 - a. use a net with less than 120 millimetre mesh size at every part of the net;
 - b. use a bobbin with less than a 520 millimetre diameter;
 - c. use a rock hopper rubber disc with less than a 400 millimetre diameter; or
 - d. use a net monitor cable when the nominated boat is in the area of the fishery.

Note: 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. 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.

INTERACTIONS WITH SEABIRD OBLIGATIONS

11. The concession holder must ensure that the nominated boat ceases fishing immediately for the remainder of the fishing season if any of the following birds are caught and killed by fishing gear:

- Wandering albatross;
- Black-browed albatross
- Grey headed albatross;
- Grey petrel; or
- Soft-plumaged petrel.

Note: Any lines in the water at the time the seabird limit is reached must be retrieved. For the purposes of the above condition, fishing gear does not include streamer lines or the Bird Excluder device (BED).

12. The concession holder must ensure a BED designed to discourage birds from accessing baits during hauling of longlines is deployed to the extent allowed by the prevailing weather conditions.

Guidelines for a BED are given in Annex 25-02/B of CCAMLR Conservation Measure 25-02 (2018).

13. A seabird caught by a longline shall be considered to be dead if:

- a. it is obviously dead (i.e. shows no muscle movement or corneal reflex); or
- b. it is landed alive, but displays any of the following pathologies that may lead to death on its release:
 - i. fracture of a wing bone, a leg bone or beak;
 - ii. broken feather shafts on more than two primary feathers on either wing;
 - iii. substantial damage to the patagial tendon (indicated by a drooping wing or the inability to fly upon release);
 - iv. an open wound (other than superficial injuries in which there is no subcutaneous muscle damage);
 - v. waterlogged or hydrocarbon-soiled plumage; or
 - vi. any seabird released with a hook in situ.

14. If the boat nominated to this concession is involved in any incident that results in a seabird being

caught, the concession holder must:

- a. if the bird is alive, make every effort to ensure that the bird is released alive and that, wherever possible, any hooks are removed without jeopardising the life of the bird; or
- b. if the bird is dead, ensure:
 - i. if feasible, the dead seabird is brought aboard the boat;
 - ii. whatever assistance necessary is provided for the observer to:
 - take photographs or video footage of the dead seabird;
 - keep whatever parts of the dead seabird the observer believes are necessary (including, in particular, leg rings of banded seabirds);
 - collect any other data and make any other observations requested by AFMA;and
 - iii. any remains of the dead seabird that are not retained are discharged from the boat in a manner that does not attract seabirds to the boat.
- c. immediately tell the observer on board the boat about the incident, and allow the observer to observe the consequences of the incident.
- d. inform AFMA immediately via email AntarcticReporting@afma.gov.au about the incident, including:
 - i. number of seabirds caught;
 - ii. species of seabirds caught (including photograph);
 - iii. life status of seabirds caught;
 - iv. type of bait used;
 - v. fishing gear and mitigation measured and stage of operation when the seabird bycatch occurred;
 - vi. time of day/night of line setting and haul (UTC);
 - vii. date and location of the catch;
 - viii. external factors (such as weather conditions and moon phase) that may influence seabird bycatch;
 - ix. whether the bird is dead or alive, and, if applicable, a description of the injuries the bird sustained;
 - x. if the bird is banded; and
 - xi. whether the seabird was retained on board the boat or released.

15. The concession holder is not taken to have complied with the above paragraph unless AFMA has replied in writing within 72 hours from when the report was sent, saying that the concession

holder's transmission has been fully received. The concession holder must re-send the report if AFMA has not replied in writing within 72 hours.

INTERACTIONS WITH MARINE MAMMALS OBLIGATIONS

16. If the boat nominated to this concession is involved in an incident that results in an injury to, or the death of, a marine mammal, the concession holder must:
 - a. either:
 - i. if the mammal is injured ensure that it is given as much assistance as is practicable; or
 - ii. if the mammal is dead, provide whatever assistance is necessary for the observer to:
 - a. take photographs or video footage of the dead mammal; and
 - b. while meeting any boat food safety requirements established by the Department of Agriculture, Water and the Environment, keep whatever parts of the carcass the observer believes are necessary; and
 - c. collect any other data, or make any other observations, requested by AFMA; and
 - d. discharge the remains of the carcass from the boat in a manner that does not attract birds or mammals to the boat.
 - b. report the interaction to the observer on board the boat about the incident, and allow the observer to observe the consequences of the incident; and
 - c. inform AFMA via email AntarcticReporting@afma.gov.au, about the incident within 24 hours after the incident.

17. The concession holder is not taken to have complied with the above paragraph unless AFMA has replied in writing within 72 hours from when the report was sent, saying that the concession holder's transmission has been fully received. The concession holder must re-send the report if AFMA has not replied in writing within 72 hours.

INTERACTIONS WITH OTHER BYCATCH OBLIGATIONS

18. The concession holder must ensure that all skates and rays must be brought on board or alongside the roller to be checked for tags and for their condition to be assessed. Unless otherwise specified by scientific observer/s, all other skates and rays caught alive with a high probability of survival should be released alive, by cutting snoods, and when practical removing the hooks.

HANDLING AND TREATMENT OF BYCATCH

19. The concession holder (or a person acting on the concession holder's behalf) must not mistreat bycatch.
20. The concession holder must, where reasonably possible, release alive shark taken as bycatch, especially juveniles and gravid females.

Definitions: For the purpose of clauses 19 and 20 above:

Mistreat means taking, or failing to take, any reasonable action or actions, which results, or is likely to result, in the;

- i. death of, or
- ii. injury to, or
- iii. causing of physiological stress to any bycatch.

Bycatch means any species that physically interact with fishing boats and/or fishing gear (including auxiliary equipment) and which are not usually kept by commercial fishers. (Bycatch species may include fish, crustaceans, sharks, molluscs, marine mammals, reptiles and birds. Bycatch includes listed protected species under the *Environment Protection and Biodiversity Conservation Act 1999*.)

Notes: For the purposes of this condition 'mistreat' does not include the taking, or failing to take, action where it is reasonably necessary to take, or not take, the action:

- to ensure the safety of the boat and or its crew, or
- to comply with the requirements of any AFMA approved bycatch management plan(s) (these may include Seabird Management Plans, Vessel Management Plans etc.).

TRANSSHIPPING OBLIGATIONS

21. The concession holder must notify AFMA via email AntarcticReporting@afma.gov.au of any transshipments within the Fishery by providing the following details:
 - a. Name;
 - b. IMO number;
 - c. International Radio Call Sign (IRCS);
 - d. Flag State;
 - e. proposed time, date and position, in latitude and longitude, of transshipment; and
 - f. details of the type and amount of harvested marine living resources and any other goods or materials to be transhipped.

22. Any transshipment notifications must be sent at least 72 hours in advance of the boat transshipping for harvested Antarctic marine living resources, bait or fuel and at least 2 hours in advance for all other goods or materials to AFMA using the template shown in Annex 10-09/A of CCAMLR

CM 10-09 (2019).

23. The concession holder may, upon written approval from AFMA:
 - a. carry fish taken with the use of another boat on the nominated boat; or
 - b. transship fish caught by the nominated boat to another boat by transferring at sea (or outside of a port) provided the AFMA observer agrees with the quantity transshipped as specified on the *Dissostichus* catch document, and notifies AFMA of their concurrence in writing via email AntarcticReporting@afma.gov.au.
24. The concession holder must, within three (3) working days of any of its vessels having transhipped within the Fishery, confirm the information provided in accordance with paragraphs 21 or 22 to AFMA using the template shown in Annex 10-09/A of CCAMLR CM 10-09 (2019) or indicate if this information has changed.

OBSERVER OBLIGATIONS

25. The concession holder must ensure that:
 - a) at least two scientific observers are carried on the boat nominated to the concession; or
 - b) at least one AFMA observer is carried on the boat nominated to the concession and an AFMA approved electronic monitoring system is installed and operating; or
 - c) AFMA authorises otherwise in writing.
26. If required by AFMA to carry an observer/s the holder must give the AFMA Observer Section at least 21 days notice of an intention to depart on a fishing trip by telephone (0427 496 446) or by email: observer@afma.gov.au, including if they wish to have an observer who has been appointed under the CCAMLR Scheme of International Observation.
27. The concession holder must ensure that scientific observer/s are given assistance by the master of the boat and the crew members of the boat, and has access to all areas of the boat, so as to enable the observer/s to carry out their data collection duties to the extent reasonably necessary, as specified in the CCAMLR Scientific Observers Manual and Annex I of the Text of the Scheme of International Scientific Observation, as amended from time to time, without impediment or

influence.

28. The concession holder (or a person acting on the concession holder's behalf) must help each observer on board the nominated boat:
 - a. to record the number, type and circumstance of each interaction of the nominated boat with seabirds or mammals;
 - b. to record details of other boats sighted, and information about the activities of those boats in the AFZ; and
 - c. assist with meeting the tagging requirements for the fishery; and
 - d. cooperate and assist observer with performing data collection requirements if requested by the observer (*eg Conversion Factor tests, lifting*).

29. The scientific observer may be a data collection officer as specified in the following paragraph.

30. If the concession holder appoints a data collection officer as a scientific observer on board the nominated boat:
 - a. the data collection officer must be approved by AFMA; and

 - b. the concession 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.

31. The concession holder must:
 - a. not direct the duties of the scientific observers;
 - b. ensure that the scientific observers have no other duties on the nominated boat relating to crewing the boat; and
 - c. ensure that the data collection officer works in cooperation with the other observer(s) on the boat.

32. The concession holder must give scientific observers the status of ship's officers. Accommodation and meals for scientific observers on board must be of a standard commensurate with this status. This is what AFMA considers to be adequate food and accommodation for the purpose of Regulation 40 of the FM Regulations.

33. The concession holder must not interfere with or prevent the scientific observer from communicating with his/her employer, including by preventing the scientific observer from having access to the boat's communication equipment.
34. The concession holder must ensure that any AFMA observer on board the nominated boat during a trip is given access to internet (available via wifi or otherwise) for the purpose of:
 - a. communicating with AFMA and other government agencies as required from time to time; and
 - b. reasonable personal use.
35. Where a scientific observer aboard the boat is injured or falls ill the concession holder must:
 - a. take all reasonable action 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;
 - b. Immediately contact the AFMA Duty Officer (24hrs) by phone on 0427 496 446 to report injury or illness; and
 - c. as soon as possible and within 12 hours of an observer reporting to the Master of taking ill or suffering an injury which prevents them from completing their duties, inform AFMA via email AntarcticReporting@afma.gov.au of the following:
 - i. current condition of the observer;
 - ii. likely illness or, in case of an injury, a detailed description of the cause of the injury;
 - iii. treatment of the observer and if any further medical assistance is required or to be obtained;
 - iv. extent of incapacity of the observer;
 - v. expected duration of the illness/incapacity;
 - vi. current activity of the boat (eg steaming to port, heavy fishing, searching); and
 - vii. expected date of return to port.
36. If the illness or injury is 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 may 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 concession holder and/or master will report to AFMA at least every second day on the health of the ill or injured observer and the effectiveness and practicality of the arrangements implemented.
37. If 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 concession holder must 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 concession holder and/or master 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.
38. Should two observers fall ill or suffer an injury that simultaneously prevents both of them from carrying out their duties, the concession holder must advise AFMA as soon as possible and within 12 hours of the second observer reporting to the master of taking ill or suffering an injury:
- a. current condition of the observers;
 - b. likely illness/es or, in case of an injury/s, a detailed 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;

- f. current activity of the boat (eg. steaming to port, fishing, searching); and
 - g. expected date of return to port.
39. Subject to the particular circumstances prevailing at the time AFMA will advise the concession 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.
40. In the event an observer dies, is missing or presumed fallen overboard, the concession holder must:
- a. immediately suspend all fishing operations;
 - b. immediately commence search and rescue if the observer is missing or presumed fallen overboard, and search for at least 72 hours, or until the search is called off by the Joint Rescue Coordination Centre (JRCC), unless the observer is found sooner, or unless instructed by the Receiving Member to continue searching;
 - c. immediately notify the AFMA Observer Manager during office hours (8am-5pm, Monday to Friday) on telephone number +612 6225 5555 or 24 hours on 0427 496 446, and e-mail AntarcticReporting@afma.gov.au. If unable to contact the AFMA Observer Manager advice may be made to the AFMA Duty Officer 24 hours on phone number +612 6275 5818 or +61 419 205 329.
 - d. immediately notify the appropriate JRCC and alert other boats in the vicinity by using all available means of communication;
 - e. cooperate fully in any search and rescue operation;
 - f. provide a report to the appropriate authorities on the incident; and
 - g. cooperate fully in any and all official investigations and with all directions, including by returning to port if appropriate, and preserves any potential evidence and the personal effects and quarters of the deceased or missing observer.
41. In the event an observer dies, the concession holder must ensure that the body is well-preserved for the purposes of an autopsy and investigation.
42. In the event that an observer suffers from a potentially serious illness or serious injury that may threaten his or her life or safety, the concession holder must seek medical advice through the relevant JRCC. If the JRCC has been advised by the pertinent medical professional that the observer suffers from a serious illness or injury that threatens his or her life or safety, the concession holder must:

- a. immediately suspend fishing operations;
- b. immediately notify the Receiving Member and the JRCC;
- c. take all reasonable actions to care for the observer and provide any medical treatment available and possible on board the boat;
- d. if recommended by the JRCC or requested by AFMA, facilitate the disembarkation and transport of the observer to a medical facility equipped to provide the required care, as soon as practicable; and
- e. cooperate fully in any and all official investigations into the cause of the illness or injury.

Note: For the purposes of these contingency arrangements an advice to AFMA is considered to be contacting the AFMA Observer Duty Officer during office hours (8am-5pm, Monday to Friday) on telephone number 612 6225 5555 or 24 hours on +61 427 496 446 or e-mail at AntarcticReporting@afma.gov.au. E-mail messages will not be taken to be received unless they are confirmed, in writing by AFMA. If unable to contact the AFMA Observer Manager advice may be made to the AFMA Duty Officer on mobile phone number +612 6275 5818

43. The concession holder must ensure that the boat's master or mate signs the observer program safety induction checklist prior to departing port.

REPORTING OBLIGATIONS

44. At least 24 hours prior to a nominated boat leaving port to commence fishing, the concession holder must notify AFMA, via e-mail to AntarcticReporting@afma.gov.au. The email must include the vessel name, port of departure, planned area(s) of operation, estimated trip duration and an accurate date and time of departure.
45. For trawl operations, the concession holder must:
 - a. ensure that within 7 days after the end of the month in which fishing took place, all electronic Fine-Scale Catch and Effort Data for Trawl Fisheries (CCAMLR Data Form C1v2022a) is supplied to AFMA via e-mail AntarcticReporting@afma.gov.au.
 - b. ensure that within 7 days of the boats return to port, all electronic Fine-Scale Catch and Effort Data for Trawl Fisheries (CCAMLR Data Form C1v2022a) are supplied to AFMA via e-mail AntarcticReporting@afma.gov.au.
46. For longline operations, the concession holder must:

- a. ensure that within 7 days after the end of the month in which fishing took place, all electronic Fine-Scale Catch and Effort Data for Longline Fisheries (CCAMLR Data Form C2v2022a) is supplied to AFMA via e-mail AntarcticReporting@afma.gov.au;
 - b. ensure that within 7 days of the boats return to port, all electronic Fine-Scale Catch and Effort Data for Longline Fisheries (CCAMLR Data Form C2v2022a) are supplied to AFMA via e-mail AntarcticReporting@afma.gov.au .
47. If it is not possible to transmit via electronic logbook any one or more reports referred to within the time frames, then the concession holder must contact AFMA at email AntarcticReporting@afma.gov.au to identify alternative means to provide the information to AFMA.
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 concession 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.
- Note: A transmission will not be taken to have been received by AFMA unless a return e-mail is sent by AFMA within 72 hours and received by the concession holder/Master in reply, stating that the complete report has been received. The concession holder must re-send the report if AFMA has not replied in writing within 72 hours.*
49. The concession holder must ensure, at the end of each fishing trip report to AFMA, via email AntarcticReporting@afma.gov.au the total number and weight of each species taken, including amounts taken for personal consumption and/or rendered to offal. These amounts will be decremented against quota allocations and the TAC for each species.

LANDING/DISPOSAL OBLIGATIONS

50. The concession holder must ensure that AFMA is provided with at least 72 hours notification before the nominated boat moors or anchors in a port or any other place to unload fish. The notification must be provided to AFMA Compliance on e-mail address

AntarcticReporting@afma.gov.au. 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. The notice 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.
51. Where the other country in question is New Zealand, the notice must be sent to international phone number 644 8015782 or facsimile number 644 8015381 or email FCC@mpi.govt.nz. Contact details for other countries will be provided by AFMA on request.

CATCH DOCUMENTATION SCHEME

52. The concession holder must:
- a. ensure that each landing or transshipment of *Dissostichus* species is accompanied by an accurately completed DCD as outlined in Annex 10-05/A, Attachment 1 of CCAMLR Conservation Measure 10-05 (2021); and
 - b. send a copy of the completed DCD by electronic means to AFMA via email AntarcticReporting@afma.gov.au.

In this clause:

"DCD": means a *Dissostichus* Catch Document.

"transshipment": means the transfer of *Dissostichus* species that have not previously been landed, from one boat to another, either at sea or in port.

"landing": means the initial unloading or transfer of *Dissostichus* spp. in any form from a boat to dockside, even if subsequently transferred to another boat, in a port or free-trade zone where the *Dissostichus* spp. are certified by an authority of the Port state as landed. The definition also includes the offload or transfer in port of *Dissostichus* species from a vessel to a container.

53. The concession holder must land catch only in States that are fully implementing the CCAMLR Catch Documentation Scheme (CDS) as listed in Appendix A.

VESSEL MONITORING SYSTEM OBLIGATIONS

54. The concession holder must have installed on the nominated boat an operational Automatic Location Communicator (ALC) at all times. The ALC must meet the minimum standards contained in Annex 10-04/C to CCAMLR Conservation Measure 10-04 (2018).

In this clause: an ALC means a satellite position transmitter that is capable of continuously, automatically and independently of any intervention of the vessel, transmitting the vessel monitoring system (VMS) data.

55. The concession holder must ensure that:
- i. the ALC is not tampered with in any way;
 - ii. VMS data are not altered in any way;
 - iii. the antennae connected to the ALC is not obstructed in any way;
 - iv. the power supply to the ALC is not interrupted in any way; and
 - v. the ALC must not be moved from the boat, except for the purpose of repair or replacement.
56. If the ALC fails to transmit VMS data while at sea, manual positional reports must be provided every four hours to AFMA via email to VMSreporting@afma.gov.au).
57. If the ALC fails to transmit VMS data, the concession holder must repair or replace the ALC as soon as possible, and within two months of the VMS data transmission failure.
58. When in port, if the nominated boat is undergoing maintenance, berthed for an extended period or in other exceptional circumstances that render ALC operation impractical, the concession holder can apply for a Temporary Switch Off (TSO) by sending a completed 'Application for VMS Temporary Switch Off' form to AntarcticReporting@afma.gov.au at least 72 hours prior to the ALC being switched off.
59. The concession holder must ensure that the ALC must not be switched off without first obtaining a TSO.
60. The concession holder must ensure that the nominated boat does not move from the place stipulated under the TSO without prior written approval from AFMA.

DIRECTION TO FIT

61. When directed by AFMA in writing, the concession holder (or a person acting on the concession holder's behalf) must;
- a. make available, within 14 days of the date of the written direction, the boat nominated to this concession for the purposes of installation of an AFMA ALC unit by an AFMA approved technician, and
 - b. provide all reasonable assistance to the AFMA approved technician including (but not limited to);
 - i. the provision of an un-interrupted connection to the boat's main power source, and
 - ii. an appropriate position for the mounting of the AFMA ALC unit.
62. When directed by AFMA in writing, the concession holder (or a person acting on the concession holder's behalf) must;
- a. make available, within 14 days of the date of the direction, the boat nominated to this concession for the purposes of removal of the AFMA ALC unit by an AFMA approved technician, and
 - b. Provide all reasonable assistance to the AFMA approved technician.

Concession holder must not interfere with AFMA VMS Unit

63. The concession holder (or a person acting on the concession holder's behalf) must not interfere, or attempt to interfere, with the operation of the AFMA ALC Unit.

Definitions:

AFMA ALC Unit Means an Automatic Location Communicator unit wholly owned by AFMA, marked with AFMA identifications and supplied by AFMA and fitted by an AFMA approved technician.

Interfere For the purposes of these conditions 'interfere' includes, but is not limited to;

- *Physical obstruction or removal of the AFMA ALC unit, or*
- *Deliberately disconnecting or otherwise interfering with the power supply to the AFMA ALC unit, or*
- *Deliberate physical interference with the casing or any external or internal components of the AFMA ALC unit.*

Notes

Must Make boat available - Where the boat is not made available in accordance condition 15 1 (a) or 15 2(a), AFMA may suspend this concession pursuant to section 38(1)(c) of the Fisheries Management Act 1991.

Must maintain ALC Unit - Regardless of AFMA's decision to fit an AFMA ALC unit, the concession holder must continue to maintain a ALC unit in accordance with regulation 37 of the FM Regulations.

Remains the property of AFMA - At all times the AFMA ALC unit remains the sole property of the Commonwealth of Australia, as represented by AFMA. The concession holder is liable to the Commonwealth of Australia for the payment of any costs incurred as a result of loss or damage to the unit.

OTHER OBLIGATIONS

64. The concession holder must ensure that no offal or bycatch is discharged from the boat in the fishery with the exception of paragraphs 18 and 20 of these conditions or within the exclusive economic zone (EEZ) of another country.
65. Before any offal is discharged from the nominated boat the concession holder must remove all fish hooks from the offal prior to discharge.
66. The concession holder must ensure that no plastic packaging bands are used to secure bait boxes.
67. The concession holder must ensure that an extract from the Register, or a true copy of it, is carried by the fishing boat and is available for inspection at any time by a maritime officer
68. If a boat is nominated to this concession, at all times when the boat is being used under this concession, the concession holder must have provided to AFMA via email AntarcticReporting@afma.gov.au a current emergency contact facility for the nominated boat.
69. An emergency contact facility must enable AFMA to contact the boat immediately and directly at any time when the boat is at sea, including in the event of an emergency.
70. AFMA must be notified immediately of any change in contact details, by email to AntarcticReporting@afma.gov.au and the boat must not depart on a fishing trip unless AFMA has been so notified of the change in contact details.

Note: The emergency contact facility may take the form of a satellite phone number, or master m or

crew member's mobile phone number - any number that may be used by AFMA to contact the boat while it is at sea at any time, including in the event of an emergency.

71. The concession holder must ensure that the unload of any toothfish product does not commence until an authorised inspector is present.

AGENT OBLIGATIONS

72. The concession holder accepts concurrent liability for all conduct infringing the Act, any delegated legislation made under the Act or any condition on their concession by its servants or agents who may be engaged by the concession holder to conduct on the holder's behalf activity under this concession.
73. Liability for the conduct of the concession holder's servants or agents arises, even if the conduct may be, or actually is, beyond the scope of the servant or agent's actual or apparent authority where it is a breach that occurs during the conduct of activity authorised by this concession.
74. The concession holder may avoid concurrent liability for conduct whilst conducting activity under this concession if, but only if, the concession holder can establish that the infringing conduct could not possibly have been prevented by any action or precaution that the concession holder might have reasonably taken. The giving of an indemnity by the servant or agent to the concession holder for any penalties incurred by the concession holder, for infringing conduct by the servant or agent is not, of itself, a reasonable precaution to prevent infringing conduct.
75. The concession holder must not give any indemnity to their servant or agent as to their conduct of activity authorized by this concession.

TEMPORARY ORDERS OBLIGATIONS

76. The concession holder must comply with any Temporary Order made under sub section 43(2) of the Act and to the extent that any provision herein is inconsistent with such Temporary Order sub section 43(9) provides that the provision herein is overridden by the Temporary Order until the Temporary Order ceases to have effect.

DIRECTION OBLIGATIONS

77. The concession holder must comply with any Direction that fishing is not to be engaged in in the

fishery, or a particular part of the fishery or during a particular period or periods made under sub section 41A of the Act.

NAVIGATING IN CLOSED ZONES

78. AFMA may suspend this concession in accordance with this condition, pursuant to section 38(1)(c) of the Act, if it reasonably appears by VMS transmission from the nominated boat, that there is a failure by that boat while in a closed zone for the purposes of regulation 85 of the FM Regulations, to meet the exempting provisions of sub regulations 86(2), 86(3). Such suspension will then continue until the concession holder provides a full written explanation, to the satisfaction of the delegate responsible for issuing that suspension, of the lawful reason for the boat being in that closed zone at that time, or until the expiration of the suspension under sub section 38(2); whichever is the earlier.

REPORTING OF BOAT SIGHTINGS

79. The concession holder must ensure, in the event that the master of a licensed fishing boat sights another fishing boat, suspected of not being authorised to fish in the Macquarie Island Toothfish Fishery, the master must document as much information as possible on each such sighting, including:
- (a) name and description of the boat
 - (b) boat call sign
 - (c) registration number and the Lloyds/IMO number of the boat
 - (d) Flag State of the boat
 - (e) photographs of the boat to support the report
 - (f) any other relevant information regarding the observed activities of the sighted boat
80. The concession holder must ensure that the master forwards a report containing the information referred to in the above paragraph to AFMA via email AntarcticReporting@afma.gov.au as soon as possible.

APPENDIX A- States that are fully implementing the CCAMLR Catch Documentation Scheme (CDS)

CCAMLR Members

Argentina
Australia
Belgium
Brazil
Chile
China, People's Republic of
European Union
France
Germany
India
Italy
Japan
Korea, Republic of
Namibia
Netherlands
New Zealand
Norway
Poland
Russian Federation
South Africa
Spain
Sweden
Ukraine
United Kingdom of Great Britain and Northern Ireland
United States of America
Uruguay

Acceding States

Bulgaria
Canada
Cook Islands
Finland
Greece
Mauritius
Pakistan, Islamic Republic of
Panama, Republic of
Peru
Vanuatu



Australian Government
Australian Fisheries Management Authority

Macquarie Island Toothfish Fishery Assessment Plan

2022/23 – 2023/24



Australian Government
Australian Fisheries Management Authority

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1 Introduction

The Macquarie Island Toothfish Fishery (MITF) Fishery Assessment Plan (FAP) has been developed to address the research needs of the MITF. The FAP was developed by the Australian Fisheries Management Authority (AFMA) in consultation with the MITF fishing industry, the Sub-Antarctic Resource Assessment Group (SARAG) and the Sub-Antarctic Fisheries Management Advisory Committee (SouthMAC). The FAP is a requirement of the *Macquarie Island Toothfish Fishery Management Plan 2006* (the MITF Management Plan):

9 Fisheries assessment plan

- (1) *AFMA must develop and implement a fishery assessment plan to ensure that an adequate program of monitoring takes place in the fishery.*
- (2) *The fisheries assessment plan must provide for:*
 - (a) *an adequate program of monitoring to ensure that reliable fisheries stock estimates can be made for Patagonian toothfish; and*
 - (b) *adequate monitoring of the direct impact of the fishery on species other than Patagonian toothfish and the ecosystem in the fishery area; and*
 - (c) *the allocation, before the beginning of each fishing year, of monitoring responsibilities to statutory fishing right holders in proportion to the numbers of statutory fishing rights they are likely to hold at the beginning of that fishing year.*
- (3) *In developing and implementing a fishery assessment plan, AFMA must:*
 - (a) *consult, and have regard to the views of, SouthMAC, SARAG and the holders of statutory fishing rights; and*
 - (b) *have regard to the 5-year strategic research plan mentioned in paragraph 6(i).*

The FAP sets out how monitoring responsibilities (tagging) for the 2022/23 and 2023/24 fishing years will be shared between the holders of Statutory Fishing Rights (SFRs) for the Fishery and how these responsibilities may be traded among operators.

Until 2015/16, the MITF FAP was reviewed annually. However, given the two-year Total Allowable Catch (TAC) setting cycle that commenced in the 2016/17 fishing, SARAG and SouthMAC agreed the MITF FAP should be a two year document, unless the need arises for an earlier review. This FAP applies to the 2022/23 and 2023/24 fishing years.

In the past the MITF fishing industry has significantly contributed to research through the provision of vessel time, an observer program, direct financial contributions and the expertise of the crew. This has been supplemented by Commonwealth Scientific and Industrial Research Organisation (CSIRO), Australian Antarctic Division (AAD), the



Fisheries Research and Development Corporation (FRDC) and AFMA through direct financial support and the provision of staff and research time.

2 Monitoring Program Requirements

The monitoring program will include the necessary research to underpin stock assessments conducted by CSIRO and considered by SARAG. Until the 2010/11 season, the assessment of Macquarie Island toothfish was based on data from a tag-recapture experiment initiated during the 1995/96 fishing season. The tag-recapture assessment used a population model that included the dynamics of tagged and un-tagged fish, daily tag releases, tag recaptures, total commercial catches, an estimate of natural mortality, and an estimate of the annual net change in available abundance between seasons for the years 1996 to 2010.

An integrated assessment model (stock synthesis 3) has been developed by CSIRO and the outputs are used to set the annual toothfish TAC for the fishery as a whole. The integrated stock assessment model continues to use the tagging information and integrate the emerging spatial and temporal changes that are occurring in the MITF. Tagging remains a critical input to the stock assessment.

Specific research objectives for the MITF are:

1. assessing distribution and abundance of the target species Patagonian Toothfish (*Dissostichus eleginoides*);
2. estimating stock dynamics of target species, including estimating population parameters;
3. assessing the effects of fishing on bycatch species and habitats.

Required research involves:

1. a tagging program and a tag overlap program to ensure an even spread of tags across the fishery;
2. sampling of catch (target and bycatch species) by the two observers on each voyage;
3. specialised research as required from time to time, to explore the effects of fishing in the environment as well as specific aspects of stock dynamics.

3 Setting of the Annual Monitoring Program

SARAG in conjunction with SFR holders will determine the monitoring program for the 2022/23 and 2023/24 fishing years and allocate responsibilities detailing the requirements for each of the research tasks including:

- implementation requirements;
- critical timing of the task and flexibility that could be considered in timing of the work;
- priority of the work (including whether it is essential); and



- other operational constraints.

Where an agreement cannot be reached on the extent of the monitoring program for the coming fishing year it will not exceed the average level of previous years. In line with the requirements of the MITF Management Plan, the Monitoring Program will be developed and reviewed every two years, unless required earlier, taking into account the:

- objectives of this Plan; and
- Sub-Antarctic Annual and 5 Year Strategic Research Plan.

4 Non-operational SFR Holders

Non-operational SFR holders are defined as those owning less than the minimum amount of quota needed to allow them to fish, that is, less than 25.5% of the total number of SFRs issued in the Fishery, as required under Section 12 of the MITF Management Plan.

Those SFR holders that are unable to fish will continue to accrue a debit against their quota until such time as they:

- lease out their quota – in which case the debit attached to this quota for the current and previous years would be transferred to the lessee; or
- enter into an agreement with an operational quota holder to carry out their monitoring requirements; or
- acquire sufficient quota to become operational and hence are able to meet their monitoring responsibilities; or
- pay money into an agreed research fund for the Fishery.

5 Agreed research plan for 2022/23 and 2023/24

2022/23 and 2023/2024 Monitoring Program

Tagging toothfish

Since 1995, it has been the aim to tag enough toothfish to enable a stock assessment to be undertaken for the following season. Initially, this was carried out by the trawlers during normal fishing operations, mainly in the Aurora Trough. With the introduction of a longliner in 2007, tagging has been undertaken more widely across the fishery.

The annual stock assessments rely on tagged fish being recaptured. For example, when a 60 tonnes research TAC was set for the Aurora Trough, the aim was to have around 40 tagged toothfish recaptured.

In order to continue to address stock structure issues, it was agreed that a tagging aim of two tagged fish per green weight tonne of toothfish caught be applied for the 2020/21 and 2021/22 fishing years. The two tagged fish per tonne rate will be based on green weight of



toothfish, not glazed weight. The TAC has been set at 635 tonnes for 2022/23 and 635 tonnes for 2023/24. This equates to 1270 tags being deployed in each fishing season, assuming that the entire TAC will be caught.

It is important to note two tags per tonne is an aim and operational issues such as lice and likely survivability of tagged fish may prevent this rate being met. Only fish that have a high chance of survival should be tagged. In the MITF a minimum tag size-overlap of 60% must be achieved, with industry and observers working together to aim for 80% tag size-overlap. Tagging should be undertaken on a daily basis to spread the workload evenly and to achieve a geographical pattern of tagged fish releases that closely mirrors the effort and catch of the fishery.

Scientific observers, who have been trained in best tagging practice will tag all fish. However it is industry’s responsibility to:

- provide observers with fish that, after being tagged, have a high chance of survival; and
- facilitate close collaboration between crew and observers to ensure that a minimum 60% tag-size overlap is achieved, and where possible a 80% tag-size overlap is achieved.

Australian Longline Pty Ltd will be the only company operating in the fishery in the 2022/23 season and at the time of writing it is expected that they will also be the only company operating in the 2023/24 season. Should this change, industry will advise AFMA of the change and the FAP will subsequently be reviewed by SARAG and SouthMAC. The tagging requirements based on proportional and actual allocations of SFR holdings for 2022/23 and 2023/24 are shown in the following table, noting this is dependent on whether the TAC is fully caught.

| SFR holder | Owned quota holdings | Tagging requirements for each fishing year by quota holding | Number of tags to be deployed by SFR holder |
|-----------------------------|----------------------|---|---|
| Austral Fisheries Pty Ltd | 70% | 889 | 0 |
| Australian Longline Pty Ltd | 30% | 381 | 1270 |

Tagging work is conducted in line with fishing activity. It is recognised that the tag and release of fish impose a cost to industry in terms of extra time required to catch the annual TAC due to fish being released as part of the tagging program. Industry have estimated that



the tagging commitments specified in this FAP will cost industry \$70,300 for each of the 2022/23 and 2023/24 fishing seasons. This estimate has been derived as follows:

Tagging work

- two tags per 635 tonnes of fish caught = 1270 tags deployed in total
- 1270 tags x 6kg (average weight of toothfish at MITF) = 7.62 tonnes of fish tagged and released each year
- 7.62 tonnes / 4 tonnes (average catch per boat per day) = 1.9 days to catch
- 1.9 days x \$37,000 (average daily vessel running cost) = \$70,300.

Observer duties

The observer duties undertaken on vessels operating in the MITF are similar to those which apply to Australian vessels operating in the Heard Island and McDonald Islands (HIMI) Fishery. The duties also meet the standards adopted by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). Broadly the Observers duties include the following observations and data collections:

- count birds around the vessel at the same time once each day provided the vessel is not hauling or setting;
- record time, position etc. of sets and hauls in FishLog;
- observe at least 50% of hooks for bird and fish bycatch in all hauls;
- record catch composition of each haul and take biological observations on common bycatch species;
- biological sampling of *Dissostichus* spp. in research and commercial hauls;
- tag *Dissostichus* at a rate of two (2) tags per tonne across all of the regions in the fishery where the vessel operates within the season¹;
- collect specimens of bycatch species; and
- undertake conversion factor experiments.

6 AGREEMENT

We, the undersigned, as the current holders of Statutory Fishing Rights in the Macquarie Island Toothfish Fishery agree to comply with the requirements of this, Macquarie Island Toothfish Fishery Fishery Assessment Plan for the 2022/23 and 2023/24 fishing seasons:

| | |
|--|--|
| | |
|--|--|

¹ It is important that observers, rather than crew, tag the fish as observers have been trained in tagging.



| | |
|---|------|
| Director/s/Authorised person, Austral Fisheries Pty Ltd | Date |
|---|------|

| | |
|---|------|
| | |
| Director/s/Authorised person, Australian Longline Pty Ltd | Date |

I endorse that this agreement meets with the requirements of the *Macquarie Island Toothfish Fishery Management Plan 2006*.

| | |
|---|------|
| | |
| Manager, Antarctic Fisheries, Australian Fisheries Management Authority | Date |



AFMA REPORTING REQUIREMENTS FOR FISHING OPERATIONS IN THE MACQUARIE ISLAND TOOTHFISH FISHERY DURING THE 2022/23 SEASON

The following reporting requirement duties outline the roles and responsibilities of the Statutory Fishing Rights (SFR) holder. These requirements are a summary only and greater details are provided in the documents referred to in the 'reference' section in the table – *Macquarie Island Toothfish Fishery Management Plan 2006 (Plan)* and the Conditions on Statutory Fishing Rights (**SFRs**).

| Reference | WHAT | WHEN TO REPORT | WHO TO REPORT TO | WHAT HAPPENS |
|---|--|---|---|---|
| VESSEL MOVEMENTS | | | | |
| SFR Condition 44 | Departure from port – boat name, port of departure, planned area of operation, estimated trip duration, date and time of departure. | At least 24 hours prior to the boat leaving port | AFMA: AntarcticReporting@afma.gov.au Relevant fisheries authority if outside Australia. | AFMA Data Service Manager acknowledges message receipt from vessel |
| SFR condition 50 & 51 | Prior reporting before the boat moors or anchors in a port or any other place to unload fish: <ul style="list-style-type: none"> - boat name and distinguishing symbol - estimate of green weight on board by species - port/s or other places fish will be unloaded - estimated date and time of arrival in port/s or other place/s - estimated date & time that unloading will commence | At least 72 hours before the time that the boat is intended to moor | AFMA Compliance Section: AntarcticReporting@afma.gov.au or to the relevant authority if outside Australia (contact details can be provided on request). Refer to SFR conditions for contact details for New Zealand. | AFMA Compliance Section acknowledges message receipt from vessel and if in an Australian port arranges for Fisheries Officers to monitor the unloading of catch |
| VMS | | | | |
| Section 37 of <i>Fisheries Management</i> | VMS malfunction | As soon as practicable after the concession holder becomes aware that the VMS | AFMA: AntarcticReporting@afma.gov.au phone: +612 6225 5555 | When AFMA detects a VMS malfunction the boat and representative of the Company are notified by AFMA for the vessel to start |

| Reference | WHAT | WHEN TO REPORT | WHO TO REPORT TO | WHAT HAPPENS |
|--|--|--|--|---|
| <p><i>Regulations 2019</i></p> <p>SFR condition 56</p> | <p>Manual reporting (if required) must include:</p> <ul style="list-style-type: none"> - boat name and Distinguishing Symbol - current position by latitude and longitude (degrees and minutes) - date and time of current position | <p>has stopped operating.</p> <p>Vessel must manually report positions to AFMA every four hours until the Master is notified that the unit is reporting to AFMA again.</p> | <p>during business hours – EST or AFMA compliance Duty Officer mobile: +612 6275 5818(a/h)</p> <p>Manual reporting every 4 hours to: VMSreporting@afma.gov.au or if email not working then phone: +612 6225 5369</p> | <p>manual reporting. AFMA Data Services Manager advises the vessel to cease manual reporting once it is confirmed the VMS is functioning correctly.</p> |
| SFR condition 58 | <p>If the boat is berthed for an extended period or in other exceptional circumstances that render the ALC operation impractical, the concession holder can apply for a Temporary Switch Off (TSO)</p> | <p>Within a week of arrival into port.</p> <p>Application for ALC Temporary Switch Off must be completed 72 hours prior to the ALC being switched off</p> | <p>AFMA: AntarcticReporting@afma.gov.au</p> | <p>AFMA Data Services Manager acknowledges receipt of notification on receipt of message</p> |
| CATCH REPORTING | | | | |
| SFR conditions 45 and 46 | <p>Reporting on the electronic logbook CCAMLR Data Form C1 (v2022a) or C2 (v2022a) (Fine-Scale Catch and Effort Data for Trawl (C1), and longline (C2).</p> | <p>Within 7 days of the end of each month in which fishing took place and within 7 days of the boats return to port.</p> | <p>AFMA: AntarcticReporting@afma.gov.au</p> | <p>AFMA Data Services Manager acknowledges data receipt from vessel</p> |
| SFR condition 47 | <p>If it is not possible to transmit via electronic logbook any one or more of the report within timeframe</p> | <p>Tell AFMA immediately to identify alternative means to provide the information to AFMA.</p> | <p>AntarcticReporting@afma.gov.au</p> | <p>AFMA Data Services Manager acknowledges message</p> |
| SFR condition 48b | <p>If it is not possible to transmit any one or more of the reports, or an</p> | <p>As soon as possible</p> | <p>AntarcticReporting@afma.gov.au</p> | <p>AFMA Data Services Manager acknowledge message</p> |

| Reference | WHAT | WHEN TO REPORT | WHO TO REPORT TO | WHAT HAPPENS |
|--|---|--|--|---|
| | acknowledgement of any of those reports is not received within 9 days of the end of a reporting period, the concession holder must 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. | | | |
| INTERACTIONS WITH SEABIRDS AND MARINE MAMMALS AND GEAR LOSS / RECOVERY | | | | |
| SFR condition 14 & <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) | Reporting of any interaction (gear or other) with a seabird If the bird is banded, also provide the report to the Australian Antarctic Division (AAD) | Report incident to AFMA or the observer immediately and allow observer to observe consequences of the incident. | Verbal notification to observer AFMA: AntarcticReporting@afma.gov.au AAD: AntarcticObserver@aad.gov.au | Antarctic Fisheries management acknowledges receipt of notification on receipt of message within 72 hours |
| SFR condition 16 & EPBC Act | Reporting of any interaction (gear or other) with a marine mammal. | Report incident to observer immediately and allow the observer to observe the consequences of the incident To AFMA - within 24 hours of the event occurring | Verbal notification to observer or immediately to AFMA. AFMA Antarctic Fisheries management: AntarcticReporting@afma.gov.au | Antarctic Fisheries management acknowledges receipt of notification on receipt of message within 72 hours |
| EPBC Act | Reporting of any interaction with any other protected species E.g. Porbeagle shark | Report incident to observer immediately Within 24 hours of the event occurring | Verbal notification to Observer AFMA: AntarcticReporting@afma.gov.au | |
| S27(b) - MIT Fishery Management Plan | Reporting of loss of gear or other non-biodegradable items, including: - details of the quantity | Within 48 hours of the event occurring | AFMA: AntarcticReporting@afma.gov.au | Antarctic Fisheries management acknowledges receipt of notification on receipt of message within 72 hours |

| Reference | WHAT | WHEN TO REPORT | WHO TO REPORT TO | WHAT HAPPENS |
|----------------------------|--|---|---|--|
| | and description of the lost or recovered item; <ul style="list-style-type: none"> - time; - date; - position at which gear was lost / recovered; and circumstances surrounding loss/recovery. | | | |
| SFR Condition 9 | Reporting the retrieval of any fishing gear that has previously been reported to AFMA as lost under section 27 (b) of MIT Fishery MP or that has been lost by Illegal, Unreported or Unregulated fishing operators. | As soon as possible after the event occurs | AFMA: AntarcticReporting@afma.gov.au | AFMA Antarctic Fisheries Manager or AFMA Senior Fisheries Management Officer acknowledges receipt of notification on receipt of email. |
| TRANSHIPMENT | | | | |
| SFR conditions 21, 22 & 23 | Transhipment of harvested marine living resources, bait or fuel. Transhipment of all other goods or materials Refer to conditions for details of what to report. | For each boat involved in the transhipment at least 2 hours in advance of such a transhipment For each boat involved in the transhipment at least 72 hours in advance of such a transhipment | AFMA: AntarcticReporting@afma.gov.au | AFMA Data Services Manager acknowledges message receipt from vessel. |
| SFR condition 24 | Confirmation of transhipment using the template shown in Annex 10-09/A of CCAMLR CM 10-09 (2019) or indicate if | Within 3 working days of having transhipped | AFMA: AntarcticReporting@afma.gov.au | AFMA Data Services Manager acknowledges message receipt from vessel. |

| Reference | WHAT | WHEN TO REPORT | WHO TO REPORT TO | WHAT HAPPENS |
|-----------|-------------------------------|----------------|------------------|--------------|
| | this information has changed. | | | |

| Reference | WHAT | WHEN TO REPORT | WHO TO REPORT TO | WHAT HAPPENS |
|------------------|--|---|---|--|
| OBSERVERS | | | | |
| SFR condition 26 | Notification to obtain observer coverage | At least 21 days prior to leaving port to commence fishing. | AFMA: AntarcticReporting@afma.gov.au And observer@afma.gov.au | AFMA Observer Section deals directly with the Company. |
| SFR condition 35 | Reporting the illness or incapacity of an Observer | Immediately contact the AFMA Duty Officer As soon as possible and within 12 hours of an Observer reporting to the Master of taking ill or suffering injury – refer to SFR condition for reporting requirements | AFMA Duty Officer +612 6275 5818 AFMA: AntarcticReporting@afma.gov.au | AFMA Observer Section or the Duty Officer deals directly with the Company and vessel to determine the appropriate course of action |
| SFR condition 36 | If the illness or injury is likely to last less than 5 days, or the boat is likely to cease fishing within 5 days and return to port | Report to AFMA at least every second day on the health of the observer, and the effectiveness and practicability of the arrangements implemented. | AFMA: AntarcticReporting@afma.gov.au | AFMA Observer Section acknowledges receipt of the email. |
| SFR condition 37 | If the illness or injury is likely to cause the observer to be unfit for duty for a period in excess of 5 days | Report to AFMA at least every second day on the health of the observer, and the effectiveness and practicability of the arrangements implemented. | AFMA: AntarcticReporting@afma.gov.au | AFMA Observer Section acknowledges receipt of the email. |
| SFR condition 38 | Should both observers fall ill or suffer an injury | Advise AFMA as soon as possible and within 12 hours of the second observer reporting to the Master of taking ill or suffering an injury | AFMA Duty Officer +612 6275 5818 AFMA: AntarcticReporting@afma.gov.au | AFMA Observer Section or the Duty Officer deals directly with the Company and vessel to determine the appropriate course of action |

| Reference | WHAT | WHEN TO REPORT | WHO TO REPORT TO | WHAT HAPPENS |
|-------------------------------------|---|---|---|---|
| SFR Condition 40 | If an observer dies, is missing or presumed fallen overboard Provide a report to the appropriate authorities on the incident | Immediately contact the AFMA Duty Officer Immediately notify the appropriate Joint Rescue Coordination Centre (JRCC) and alert other boats in the vicinity by using all available means of communication | AFMA Duty Officer: +612 6275 5818 AFMA: AntarcticReporting@afma.gov.au MRCC and other boats in the vicinity | AFMA Duty Officer speaks to vessel representative |
| SFR Condition 42 | If an observer suffers from a potentially serious illness or serious injury that threatens their life or safety Refer to SFR condition for details | Immediately notify AFMA and the JRCC | AFMA Duty Officer: +612 6275 5818 AFMA: AntarcticReporting@afma.gov.au MRCC | AFMA Duty Officer speaks to vessel representative |
| SFR Condition 43 | Completed safety checklist | Prior to the boat departing port | AFMA: AntarcticReporting@afma.gov.au | AFMA Observer Section acknowledges receipt of the email. |
| BOAT SIGHTINGS | | | | |
| SFR condition 79 & 80 | Sighting of another boat that is suspected of not being authorised to fish in the MIT Fishery. Refer to SFR condition | As soon as possible | AFMA: AntarcticReporting@afma.gov.au or AFMA Duty Officer mobile: +61 419 205 329 | Antarctic Fisheries Manager acknowledges receipt of notification on receipt of message. Compliance Section deals directly with the vessel. |
| OTHER REPORTING REQUIREMENTS | | | | |
| SFR condition 52 | Completed DCD | Once DCD has been completed | AFMA: AntarcticReporting@afma.gov.au | Antarctic Fisheries Manager acknowledges receipt of email |
| SFR condition 68 & 69 | Emergency contact facility | When a boat is nominated to a concession and immediately if the details change | AFMA: AntarcticReporting@afma.gov.au | AFMA Data Services Manager acknowledges receipt of email. |
| SFR condition 70 | Change in contact details | AFMA must be notified immediately of any change in contact details | AFMA: AntarcticReporting@afma.gov.au | AFMA Data Services Manager acknowledges receipt of email. |

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Proclamation—Macquarie Island Commonwealth Marine Reserve

as amended

made under section 344 of the

Environment Protection and Biodiversity Conservation Act 1999

This compilation was prepared on 6 November 2012
taking into account amendments up to *Amendment Proclamation—Macquarie Island
Marine Park 2007*

Prepared by the Office of Parliamentary Counsel, Canberra

I, WILLIAM PATRICK DEAN, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, under subsection 7(2) of the *National Parks and Wildlife Conservation Act 1975*:

- (a) declare the area specified in the Schedule to be a Park; and
- (b) assign to the Park the name “Macquarie Island Commonwealth Marine Reserve”; and
- (c) specify that the subsoil extending to a depth of 100 metres below the sea-bed within the declared area is within the Park.

Schedule Macquarie Island Commonwealth Marine Reserve

All of that area within the Southern Ocean contained within and bounded as follows*:

- a) commencing at the point of Latitude 53°47'00" South and Longitude 159°05'00" East;
- b) then proceeding in an easterly direction along the parallel of latitude to its intersection with the outer edge of the EEZ** closest to Longitude 164°11'17" East;
- c) then in a generally southerly and westerly direction along the outer edge of the EEZ to the point closest to Latitude 58°26'56" South and Longitude 158°35'16" East;
- d) then in a generally northerly direction along the geodesic to the point on the seaward limit of Coastal Waters*** around Bishop and Clerk Islands closest to Latitude 55°07'20" South and Longitude 158°35'16" East;
- e) then anticlockwise around the seaward limit of Coastal Waters around Bishop and Clerk Islands to the point closest to Latitude 55°06'50" South and Longitude 158°35'21" East;
- f) then in a generally northerly direction along the geodesic to the point on the seaward limit of Coastal Waters around Macquarie Island closest to Latitude 54°45'03" South and Longitude 158°41'24" East;
- g) then anti-clockwise around the seaward limit of Coastal Waters around Macquarie Island to the point closest to Latitude 54°29'23" South and Longitude 158°46'29" East;
- h) then in a generally northerly direction along the geodesic to the point on the seaward limit of Coastal Waters around Judge and Clerk Island closest to Latitude 54°21'25" South and Longitude 158°54'22" East;
- i) then anti-clockwise around the seaward limit of Coastal Waters around Judge and Clerk Islands to the point closest to Latitude 54°21'29" South and Longitude 159°05'00" East; and

j) then in a generally northerly direction along the geodesic to the point of commencement.

- * All geographic coordinates are expressed in terms of the World Geodetic System 1984 (“WGS84”).
- ** The “EEZ” is the Exclusive Economic Zone declared in relation to Australia and its external territories under the Seas and Submerged Lands Act 1973 (proclamation dated 26 July 1994 published in the Commonwealth of Australia Gazette No. S290 on 29 July 1994). It commences at the outer limit of the territorial sea (12 nautical miles from the territorial sea baselines established under the Seas and Submerged Lands Act 1973) and extends generally to 200 nautical miles from the baselines. In relation to Macquarie Island it is in part less than 200 nautical miles to take account of the pending maritime delimitation with New Zealand. The outer limit of the EEZ may be varied as a result of an agreement with New Zealand on the maritime boundary. If the outer limit of the EEZ around Macquarie Island is varied for that reason the boundaries of the proposed Macquarie Island Commonwealth Marine Reserve may be varied accordingly.
- *** Coastal waters” are defined in relation to each of the States and the Northern Territory by the Coastal Waters (*State Powers*) Act 1980 and Coastal Waters (*Northern Territory Powers*) Act 1980. They comprise: the territorial sea extending out to 3 nautical miles from the territorial sea baselines established under the *Seas and Submerged Lands Act 1973*; and the waters on the landward side of those baselines that are not within the States or the Northern Territory. Macquarie Island, Bishop and Clerk Islands and Judge and Clerk Islands are parts of the State of Tasmania.

Notes to the Proclamation—Macquarie Island Commonwealth Marine Reserve

Note 1

The Proclamation—Macquarie Island Commonwealth Marine Reserve (in force under section 344 of the *Environment Protection and Biodiversity Conservation Act 1999*) as shown in this compilation is amended as indicated in the Tables below.

Table of Instruments

| Title | Date of notification in Gazette or FRLI registration | Date of commencement | Application, saving or transitional provisions |
|---|--|----------------------|--|
| Proclamation—Macquarie Island Marine Park (F2007B00689) (a) | 27 Oct 1999 (see <i>Gazette</i> 1999, No. S509) | 27 Oct 1999 | |
| <i>Amendment Proclamation—Macquarie Island Marine Park 2007</i> | 2 July 2007 (see F2007L01923) | 31 Aug 2007 | — |

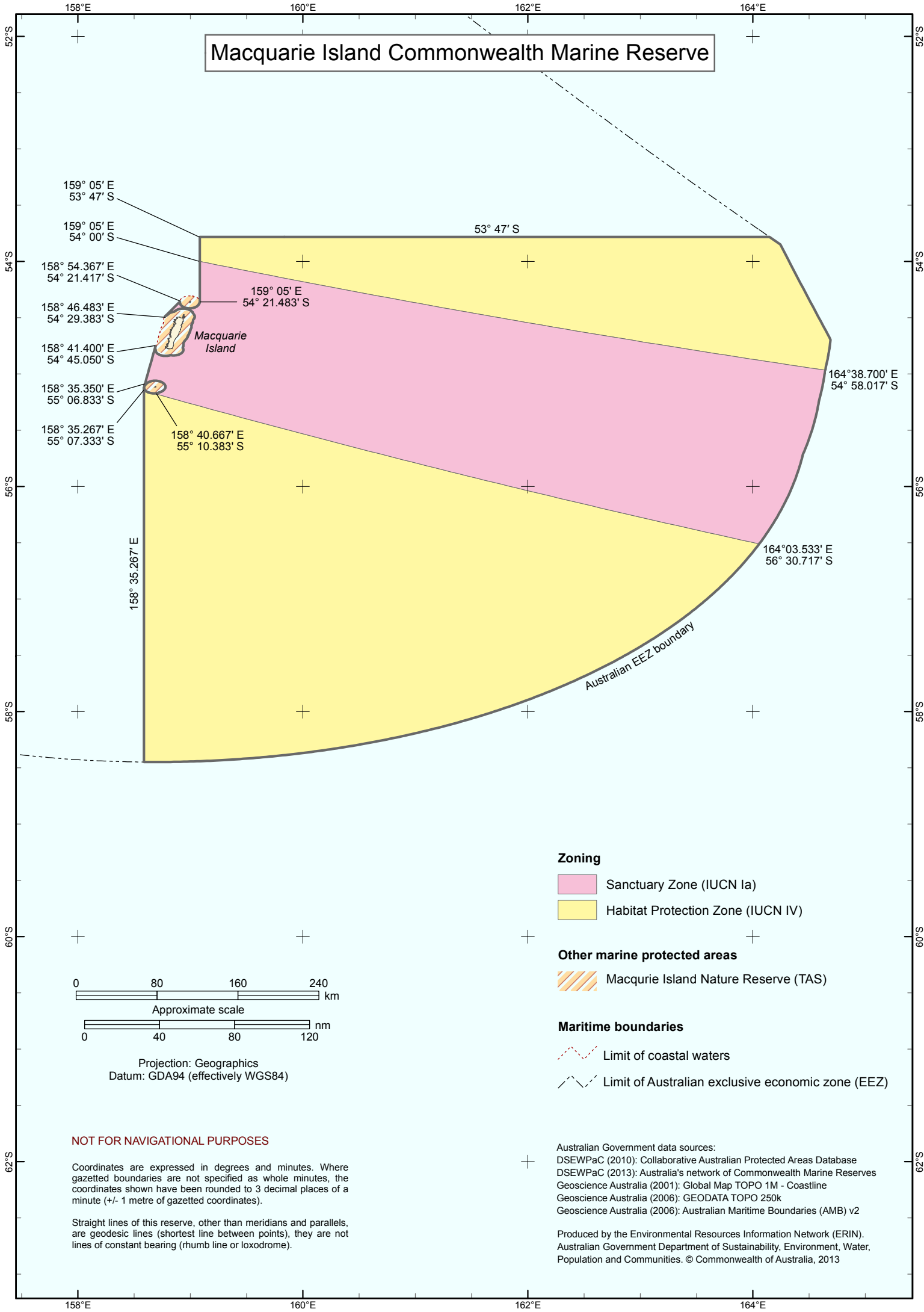
(a) This Proclamation was originally made under subsection 7 (2) of the *National Parkes and Wildlife Conservation Act 1975*, which was repealed on 16 July 2000, and pursuant to Part 2 of Schedule 4 of the *Environment Reform (Consequential Provisions) Act 1999* is continued in force under section 344 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|--------------------------|-----------------|
| Para. (b)..... | am. F2007L01923 |
| Schedule | |
| Heading to Schedule..... | rs. F2007L01923 |
| Schedule..... | am. F2007L01923 |

Macquarie Island Commonwealth Marine Reserve



Zoning

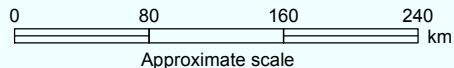
- Sanctuary Zone (IUCN Ia)
- Habitat Protection Zone (IUCN IV)

Other marine protected areas

- Macquarie Island Nature Reserve (TAS)

Maritime boundaries

- Limit of coastal waters
- Limit of Australian exclusive economic zone (EEZ)



Projection: Geographics
Datum: GDA94 (effectively WGS84)

NOT FOR NAVIGATIONAL PURPOSES

Coordinates are expressed in degrees and minutes. Where gazetted boundaries are not specified as whole minutes, the coordinates shown have been rounded to 3 decimal places of a minute (+/- 1 metre of gazetted coordinates).

Straight lines of this reserve, other than meridians and parallels, are geodesic lines (shortest line between points), they are not lines of constant bearing (rhumb line or loxodrome).

Australian Government data sources:
DSEWPaC (2010): Collaborative Australian Protected Areas Database
DSEWPaC (2013): Australia's network of Commonwealth Marine Reserves
Geoscience Australia (2001): Global Map TOPO 1M - Coastline
Geoscience Australia (2006): GEODATA TOPO 250k
Geoscience Australia (2006): Australian Maritime Boundaries (AMB) v2

Produced by the Environmental Resources Information Network (ERIN).
Australian Government Department of Sustainability, Environment, Water,
Population and Communities. © Commonwealth of Australia, 2013