



**Australian Government**

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**Department of the Environment and Energy**

Assessment of  
Australian New and Exploratory Fisheries in the  
Commission for the Convention of Antarctic Marine Living  
Resources in Divisions 58.4.1 and 58.4.2

*February 2018*

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#### **Disclaimer**

This document is an assessment carried out by the Department of the Environment and Energy of a commercial fishery against the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*. It forms part of the advice provided to the Minister for the Environment and Energy on the fishery in relation to decisions under Parts 13 and 13A of the *Environment Protection and Biodiversity Conservation Act 1999*. The views expressed do not necessarily reflect those of the Minister for the Environment and Energy or the Australian Government.

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**SECTION 1: ASSESSMENT OF THE AUSTRALIAN NEW AND EXPLORATORY FISHERIES IN THE COMMISSION FOR THE CONVENTION OF ANTARCTIC MARINE LIVING RESOURCES IN DIVISIONS 58.4.1 AND 58.4.2 FOR THE PURPOSES OF PART 13 OF THE EPBC ACT**

The table below is not a complete or exact representation of the EPBC Act. It is intended to show that the relevant sections and components of the EPBC Act have been taken into account in the formulation of advice on the fishery in relation to decisions under Part 13.

**Part 13**

Accreditable plan, regime or policy (Division 1, Division 2, Division 3, Division 4)	Comment
<p>s. 208A (1) (a-e), s.222A (1) (a-e), s.245 (1) (a-e), s.265 (1) (a-e)</p> <p>Does the fishery have an accreditable plan of management, regime or policy?</p>	<p><b>Meets</b></p> <p><b>Yes.</b> There is an accreditable management regime in place for the Australian Fishing in Exploratory Fisheries in Commission for the Convention of Antarctic Marine Living Resources in Divisions 58.4.1 and 58.4.2 (CCAMLR Exploratory Fisheries) for the purposes of section 245 of the EPBC Act.</p> <p>Sections 208A, 222A and 265 do not apply outside Australia's exclusive economic zone (EEZ), and therefore are not applicable to Australian Fishing in CCAMLR Exploratory Fisheries.</p> <p>AFMA's powers are conferred through Part 6 of the <i>Fisheries Management Act 1991</i> (Cth), and regulated under the Fisheries Management Regulations 1992 (Cth).</p>
Division 1 Listed threatened species, Section 208A Minister may accredit plans or regimes	Comment
<p>(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed threatened species (other than conservation dependent species) are not killed or injured as a result of the fishing?</p> <p>(g) And, is the fishery likely to adversely affect the survival or recovery in nature of the species?</p>	<p><b>Not applicable</b></p> <p>Section 208A does not apply outside Australia's EEZ, and therefore are not applicable to CCAMLR Exploratory Fisheries.</p>
Division 2 Migratory species, Section 222A Minister may accredit plans or regimes	Comment
<p>(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed migratory species are not killed or injured as a result of the fishing?</p>	<p><b>Not applicable</b></p> <p>Section 222A does not apply outside Australia's EEZ, and therefore are not applicable to CCAMLR Exploratory Fisheries.</p>

(g) And, is the fishery likely to adversely affect the conservation status of a listed migratory species or a population of that species?	
<b>Division 3 Whales and other cetaceans, Section 245 Minister may accredit plans or regimes</b>	<b>Comment</b>
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of the fishing? (g) And, is the fishery likely to adversely affect the conservation status of a species of cetacean or a population of that species?	<b>Meets</b> Yes. There is an accreditable regime in place for the CCAMLR Exploratory Fisheries. The Department considers that the management regime for the CCAMLR Exploratory Fisheries requires persons engaged in fishing under that regime to take all reasonable steps to ensure that cetaceans, or population of a cetacean species, are not killed or injured as a result of the fishing. The fishery is not expected to adversely affect the conservation status of a species of cetacean or a population of that species.
<b>Division 4 Listed marine species, Section 265 Minister may accredit plans or regimes</b>	<b>Comment</b>
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed marine species are not killed or injured as a result of the fishing?	<b>Not applicable</b> Section 265 does not apply outside Australia's EEZ, and therefore are not applicable to CCAMLR Exploratory Fisheries.
<b>Section 303AA Conditions relating to accreditation of plans, regimes and policies</b>	<b>Comment</b>
(1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265. (2) The Minister may accredit a plan, regime or policy under that section even though he or she considers that the plan, regime or policy should be accredited only: (a) during a particular period; or (b) while certain circumstances exist; or (c) while a certain condition is complied with. In such a case, the instrument of accreditation is to specify the period, circumstances or condition.	Accreditation is recommended for the management regime, under section 245 of the EPBC Act. No specific period, circumstances or conditions required. Accreditation is not applicable under sections 208A, 222A and 265 of the EPBC Act as these sections do not apply outside Australia's EEZ, and therefore are not applicable to CCAMLR Exploratory Fisheries.