

ARRANGEMENT BETWEEN THE GOVERNMENT OF AUSTRALIA AND  
THE GOVERNMENT OF NEW ZEALAND FOR THE CONSERVATION AND  
MANAGEMENT OF ORANGE ROUGHY ON THE SOUTH TASMAN RISE

The Government of Australia and the Government of New Zealand (the Parties):

Considering their shared commitment to the implementation of the relevant provisions of the United Nations Convention on the Law of the Sea 1982;

Recognising their shared concern for and commitment to the conservation of the living resources of the high seas;

Recognising the need for conservation and management measures to be established as a matter of urgency with respect to orange roughy stocks on the South Tasman Rise<sup>1</sup>;

Mindful of the need to achieve as soon as possible an agreed understanding of the stock structure for orange roughy and other species taken on the South Tasman Rise, as this has clear implications for the way the fishery may be managed in the future;

Recognising also the need for scientific research on the status of the said orange roughy stocks;

Convinced of the need to apply the precautionary approach widely in the conservation, management and utilisation of the said orange roughy stocks

**HAVE REACHED AN UNDERSTANDING** on the following:

Definitions

1. For the purposes of this Arrangement:

*Australian fishing zone* (AFZ) has the same meaning as in the *Fisheries Management Act 1991 (Cth)*;

*high seas area of the South Tasman Rise* means the area lying outside of and adjacent to the AFZ in waters generally south of Tasmania and enclosed by the line:

(a) commencing at the point 48° 30' S, 150° E<sup>2</sup>;

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<sup>1</sup> The South Tasman Rise is the same feature as that depicted on some maps and charts as the South Tasmania Ridge.

- (b) running thence west along the parallel of latitude 48° 30' S to the point 48° 30' S, 146° 30' E;
- (c) thence north along the meridian of longitude 146° 30' E to its first intersection by the outer limit of the AFZ;
- (d) thence generally easterly and north-easterly along the outer limit of the AFZ to its first intersection by the meridian of longitude 150° E;
- (e) thence south along that meridian to the point of commencement.

#### Program of scientific research

2. The Parties will carry out a Program of scientific research from 1 March 1998 to 28 February 1999 to:

- provide clear information on the stock structure and relationship between orange roughy taken on the high seas and orange roughy occurring within the AFZ; and
- obtain information to enable a preliminary assessment of the status and productivity of the fishery.

3. For the purposes of this scientific research Program the Parties accept that a precautionary total catch limit for the period specified in paragraph 2 will not exceed two thousand one hundred (2100) tonnes. The precautionary total catch limit of 2100 tonnes will be shared between the Government of Australia and the Government of New Zealand in the proportion of verified catches of orange roughy made by Australian and New Zealand vessels in the high seas area of the South Tasman Rise during the period 1 January to 17 December 1997. On current information, Australian catches are estimated at approximately 1600 tonnes and New Zealand catches are estimated at approximately 500 tonnes. Final catch figures, and hence shares of the precautionary total catch limit will be determined by 31 January 1998.

4. No more than half of the respective national catch limits so determined will be fished in each of two six calendar month periods from 1 March 1998 to 31 August 1998 and from 1 September 1998 to 28 February 1999.

5. The scientific research program for collection and collaborative analysis of scientific information under the program from the South Tasman Rise fishery and other

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<sup>2</sup> Geographical co-ordinates in this definition are in terms of the International Terrestrial Reference System which is maintained by the International Earth Rotation Service and for most practical purposes are equivalent to co-ordinates in terms of the World Geodetic System 1984 (WGS84).

potentially related fisheries will be developed by the Parties by mid-February 1998 and recorded in writing. It will focus on work to assist in providing a clear determination of stock structure on the South Tasman Rise, e.g.:

- (a) catch by location
- (b) length frequency
- (c) age structure
- (d) reproductive stage
- (e) morphometrics
- (f) stock genetics
- (g) otolith structure.

6 The Government of Australia will ensure that compatible information is available from scientific research programs within the AFZ consistent with the scientific research program being carried out on the high seas area of the South Tasman Rise.

7. The Parties acknowledge that the methodologies developed through the scientific research program, including mutually acceptable criteria for determining whether or not a stock is a straddling stock, will assist in broader assessments of stock characteristics in the Tasman Sea region.

8. The Parties will prohibit fishing on the high seas area of the South Tasman Rise except with the authorisation of the appropriate authorities in accordance with their respective national legislation, such authorisation only to be given for the purposes of implementing the said scientific research program and subject to the limits described in paragraph 3.

#### Exchange of Information

9. Without prejudice to any other arrangements between the Parties, the Parties will exchange all relevant scientific and fisheries information relating to orange roughy on the South Tasman Rise including associated species and bycatch and including samples.

10. Information exchanged pursuant to this Arrangement regardless of its form will be treated as being supplied in confidence and no information will be used except in the manner permitted by the supplying Party and subject to the freedom of information and privacy laws applicable to each Party.

#### Collection and Provision of Data

11. The Parties will ensure that their respective vessels permitted to fish on the high seas area of the South Tasman Rise will collect and provide the data and samples required by the scientific research program.

## Monitoring

12. The Parties will ensure that their respective vessels will:
- operate satellite based vessel monitoring systems (VMS) during any trip involving fishing on the high seas area of the South Tasman Rise
  - report their position and catch on a daily basis to their national authorities when fishing on the high seas area of the South Tasman Rise
  - retain on board all catch taken on the high seas area of the South Tasman Rise unless otherwise directed
  - record catch in official log books on a shot-by-shot basis.
13. The Parties will each arrange for scientific observers to be placed on their own vessels in order to ensure the effective implementation of the scientific research program.
14. The Parties will ensure that dockside monitoring of unloading of catch from the high seas area of the South Tasman Rise takes place.
15. The Parties will determine appropriate arrangements for collaborative monitoring of fishing on the high seas area of the South Tasman Rise.

## Landings

16. Existing national arrangements applying to Australian and New Zealand vessels fishing for orange roughy in relation to access to and catch landing at the other country's ports will continue to apply for the purposes of this Arrangement.
17. The Parties will prohibit the vessels of any State which is not a signatory to this Arrangement from landing in their respective ports orange roughy caught on the high seas area of the South Tasman Rise.

## Review

18. The Parties will prepare a joint report on the outcomes of analyses of scientific information obtained through the scientific research program, with particular emphasis on the best available information in relation to stock structure, in time for a meeting to discuss future management options for the South Tasman Rise fishery by February 1999.

19. The Parties will meet in February 1999 to review this arrangement and consider anew conservation and management measures for orange roughy on the high seas area of the South Tasman Rise.

#### Commencement and Duration

20. This Arrangement will take effect from 1 March 1998. The Parties will use their best endeavours within their legislative framework to make regulations as are required to implement this Arrangement as soon as possible and will inform each other in writing when such regulations are in force. Should the regulations not be in force by 1 March 1998, the Parties will bring this Arrangement to the notice of their respective industries and will request voluntary compliance with its provisions.

21. This Arrangement will expire on 28 February 1999.

22. This Arrangement is without prejudice to any future arrangements or agreements the Parties may enter into with respect to Tasman Sea fisheries generally and/or orange roughy on the high seas area of the South Tasman Rise.

23. If, as a result of the collaborative scientific work undertaken under this precautionary management regime, the preponderance of evidence indicates that the orange roughy stock on the South Tasman Rise is a straddling stock occurring both within the AFZ and in the adjacent high seas area, the Parties will establish a consistent approach towards conservation, management and allocation for all straddling fish stocks in the Tasman Sea region, consistent with the United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks.

This Arrangement embodies the understanding reached between the Parties concerning fisheries matters on the South Tasman Rise.

SIGNED

[Warwick Parer]

For the Government of Australia  
Date January 12th 1998

SIGNED

[John Luxton]

For the Government of New Zealand

Date 18 February 1998