

Australia's proposals for amendments to Revision 4

*Article 26 – Monitoring, Compliance and Enforcement*

2. The Commission shall adopt procedures for, *inter alia*:

- (a) ~~bis~~ the establishment and operation of a centralized vessel monitoring system, including standards, specifications and procedures for the use of real-time satellite position-fixing transmitters by the fishing vessels of all Contracting Parties that fish for fishery resources in the Area. The Commission, directly and simultaneously with the flag State where the flag State so requires, shall receive information on vessel movements and activities from the vessel monitoring system in accordance with the procedures adopted by the Commission
- (f) taking measures with regard to the rights and benefits available under this Convention to Contracting Parties whose fishing vessels engage in fishing activities that undermine the effectiveness of the conservation and management measures adopted by the Commission

4. ~~If~~, within two years of the entry into force of this Convention, the Commission has not adopted procedures as outlined in paragraph 2(b) above, or an alternative mechanism which effectively discharges the obligations of the members of the Commission under the 1995 Agreement and this Convention to ensure compliance with the conservation and management measures adopted by the Commission, ~~it shall, at the request of any Contracting Party, apply the procedures for boarding and inspection as stipulated in Articles 21 and 22 of the 1995 Agreement~~ shall apply as if they were part of this Agreement, and boarding and inspection of fishing vessels in the Area, as well as any subsequent enforcement action, shall be conducted in accordance with Articles 21 and 22 of the 1995 Agreement and such additional practical procedures as the Commission may decide are necessary for the implementation of those Articles, in order to strengthen the effective discharge by Contracting Parties of their obligations under this Convention and where applicable, under the 1995 Agreement. In any event, the Commission shall not adopt a lesser standard than that stipulated in Articles 21 and 22 of the 1995 Agreement.

*Article 27 – Observer Programme*

1. *bis* The observer programme shall consist of independent and impartial observers authorized by the Secretariat of the Commission. The programme shall be coordinated, to the maximum extent possible, with other regional, sub-regional and national observer programmes.

2. In developing the observer programme, the Commission shall take into account advice from the Scientific Committee and Compliance Committee and shall ensure that the programme is operated in accordance with standards, rules and procedures developed by the Commission. These standards, rules and procedures shall include *inter alia*:

(b) an appropriate levels of coverage for different fisheries and different sizes and types of fishing vessels appropriate to monitoring and verifying catch, effort, catch composition (target, non-target and associated or dependent species) and other details of fishing operations;