



BASIC DOCUMENTS

NOVEMBER 2023



CCAMLR

Basic Documents

- Text of the Convention on the Conservation of Antarctic Marine Living Resources
Statement by the Chairman of the Conference on the Conservation of Antarctic Marine Living Resources
- Text of the Headquarters Agreement between the Commission for the Conservation of Antarctic Marine Living Resources and the Government of Australia
- Rules of Procedure of the Commission
- Rules of Procedure of the Scientific Committee
- Establishment of the Standing Committee on Administration and Finance (SCAF)
- Financial Regulations
- Staff Regulations
- Standing Committee on Implementation and Compliance (SCIC)
Terms of Reference and Organisation of Work
- Text of the CCAMLR System of Inspection
- Text of the CCAMLR Scheme of International Scientific Observation
- Rules for Access and Use of CCAMLR Data
- Rules for Access to Catch Documentation Scheme Data

Abstract

The *Basic Documents* contains the text of the Convention on the Conservation of Antarctic Marine Living Resources, the text of the Headquarters Agreement between the Commission and the Government of Australia, the Rules of Procedure of the Commission and the Scientific Committee, the Financial Regulations, Staff Regulations, Rules for Access and Use of CCAMLR Data, Rules for Access to Catch Documentation Scheme Data, and texts of the CCAMLR System of Inspection and the CCAMLR Scheme of International Scientific Observation. It also contains Commission documentation on the establishment of the Standing Committee on Administration and Finance and the Terms of Reference of the Standing Committee on Implementation and Compliance. The preface includes a list of Members of the Commission and of States that have acceded to the Convention.

Preface

The Commission for the Conservation of Antarctic Marine Living Resources is an intergovernmental organisation established by an international convention. The Commission, assisted by the Scientific Committee also established under the Convention, is responsible for developing measures necessary for the conservation of the marine life of the waters surrounding Antarctica.

The negotiation of the Convention was initiated by the Antarctic Treaty Consultative Parties following reports of scientific studies expressing concern that unregulated fishing of Antarctic species, especially krill, could result in irreversible damage to the populations of other species in the Antarctic marine ecosystem.

In 1975 at the Eighth Meeting, the Antarctic Treaty Consultative Parties decided to seek agreement to a wide-ranging conservation convention which would deal not only with the direct effects of harvesting specific organisms, but also with the indirect effects of exploitation on other species. Following a number of diplomatic and scientific conferences, the Convention on the Conservation of Antarctic Marine Living Resources was drawn up at a special meeting on 20 May 1980 in Canberra, Australia, and signed by the following States: Argentina, Australia, Belgium, Chile, France, German Democratic Republic, Federal Republic of Germany, Japan, New Zealand, Norway, Poland, Republic of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, and United States of America.

By 8 March 1982, eight of the original signatory States, including two that were fishing in the Convention Area, had ratified the Convention, thus fulfilling the requirements of the Convention to enter into force. The Convention entered into force on 7 April 1982, and the Commission commenced operation in July 1982.

The other seven original signatory States have subsequently ratified the Convention and become Members of the Commission.

Since 1982, Brazil, People's Republic of China, European Community, India, Italy, Republic of Korea, Namibia, Netherlands, Spain, Sweden, Ukraine and Uruguay have satisfied the conditions of the Convention to become Members of the Commission. In total there are now 26 Members of the Commission and 10 other States have acceded to the Convention but are not Members of the Commission, namely Bulgaria, Canada, Cook Islands, Finland, Greece, Mauritius, Islamic Republic of Pakistan, Republic of Panama, Peru and Vanuatu.

MEMBERS OF CCAML

(as of December 2021)

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

States Party to the Convention but not Members of the Commission

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

Text of the Convention on the Conservation of
Antarctic Marine Living Resources

Statement by the Chairman of the Conference on the
Conservation of Antarctic Marine Living Resources

Convention on the Conservation of Antarctic Marine Living Resources

The Contracting Parties,

Recognising the importance of safeguarding the environment and protecting the integrity of the ecosystem of the seas surrounding Antarctica;

Noting the concentration of marine living resources found in Antarctic waters and the increased interest in the possibilities offered by the utilisation of these resources as a source of protein;

Conscious of the urgency of ensuring the conservation of Antarctic marine living resources;

Considering that it is essential to increase knowledge of the Antarctic marine ecosystem and its components so as to be able to base decisions on harvesting on sound scientific information;

Believing that the conservation of Antarctic marine living resources calls for international co-operation with due regard for the provisions of the Antarctic Treaty and with the active involvement of all States engaged in research or harvesting activities in Antarctic waters;

Recognising the prime responsibilities of the Antarctic Treaty Consultative Parties for the protection and preservation of the Antarctic environment and, in particular, their responsibilities under Article IX, paragraph 1(f) of the Antarctic Treaty in respect of the preservation and conservation of living resources in Antarctica;

Recalling the action already taken by the Antarctic Treaty Consultative Parties including in particular the Agreed Measures for the Conservation of Antarctic Fauna and Flora, as well as the provisions of the Convention for the Conservation of Antarctic Seals;

Bearing in mind the concern regarding the conservation of Antarctic marine living resources expressed by the Consultative Parties at the Ninth Consultative Meeting of the Antarctic Treaty and the importance of the provisions of Recommendation IX-2 which led to the establishment of the present Convention;

Believing that it is in the interest of all mankind to preserve the waters surrounding the Antarctic continent for peaceful purposes only and to prevent their becoming the scene or object of international discord;

Recognising, in the light of the foregoing, that it is desirable to establish suitable machinery for recommending, promoting, deciding upon and co-ordinating the measures and scientific studies needed to ensure the conservation of Antarctic marine living organisms;

Have agreed as follows:

Article I

1. This Convention applies to the Antarctic marine living resources of the area south of 60° South latitude and to the Antarctic marine living resources of the area between that latitude and the Antarctic Convergence which form part of the Antarctic marine ecosystem.
2. Antarctic marine living resources means the populations of fin fish, molluscs, crustaceans and all other species of living organisms, including birds, found south of the Antarctic Convergence.
3. The Antarctic marine ecosystem means the complex of relationships of Antarctic marine living resources with each other and with their physical environment.
4. The Antarctic Convergence shall be deemed to be a line joining the following points along parallels of latitude and meridians of longitude:

50°S, 0°; 50°S, 30°E; 45°S, 30°E; 45°S, 80°E; 55°S, 80°E; 55°S, 150°E; 60°S, 150°E; 60°S, 50°W; 50°S, 50°W; 50°S, 0°.

Article II

1. The objective of this Convention is the conservation of Antarctic marine living resources.
2. For the purposes of this Convention, the term 'conservation' includes rational use.
3. Any harvesting and associated activities in the area to which this Convention applies shall be conducted in accordance with the provisions of this Convention and with the following principles of conservation:
 - (a) prevention of decrease in the size of any harvested population to levels below those which ensure its stable recruitment. For this purpose its size should not be allowed to fall below a level close to that which ensures the greatest net annual increment;
 - (b) maintenance of the ecological relationships between harvested, dependent and related populations of Antarctic marine living resources and the restoration of depleted populations to the levels defined in sub-paragraph (a) above; and
 - (c) prevention of changes or minimisation of the risk of changes in the marine ecosystem which are not potentially reversible over two or three decades, taking into account the state of available knowledge of the direct and indirect impact of harvesting, the effect of the introduction of alien species, the effects of associated activities on the marine ecosystem and of the effects of environmental changes, with the aim of making possible the sustained conservation of Antarctic marine living resources.

Article III

The Contracting Parties, whether or not they are Parties to the Antarctic Treaty, agree that they will not engage in any activities in the Antarctic Treaty area contrary to the principles and purposes of that Treaty and that, in their relations with each other, they are bound by the obligations contained in Articles I and V of the Antarctic Treaty.

Article IV

1. With respect to the Antarctic Treaty area, all Contracting Parties, whether or not they are Parties to the Antarctic Treaty, are bound by Articles IV and VI of the Antarctic Treaty in their relations with each other.

2. Nothing in this Convention and no acts or activities taking place while the present Convention is in force shall:

- (a) constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in the Antarctic Treaty area or create any rights of sovereignty in the Antarctic Treaty area;
- (b) be interpreted as a renunciation or diminution by any Contracting Party of, or as prejudicing, any right or claim or basis of claim to exercise coastal state jurisdiction under international law within the area to which this Convention applies;
- (c) be interpreted as prejudicing the position of any Contracting Party as regards its recognition or non-recognition of any such right, claim or basis of claim;
- (d) affect the provision of Article IV, paragraph 2, of the Antarctic Treaty that no new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the Antarctic Treaty is in force.

Article V

1. The Contracting Parties which are not Parties to the Antarctic Treaty acknowledge the special obligations and responsibilities of the Antarctic Treaty Consultative Parties for the protection and preservation of the environment of the Antarctic Treaty area.

2. The Contracting Parties which are not Parties to the Antarctic Treaty agree that, in their activities in the Antarctic Treaty area, they will observe as and when appropriate the Agreed Measures for the Conservation of Antarctic Fauna and Flora and such other measures as have been recommended by the Antarctic Treaty Consultative Parties in fulfilment of their responsibility for the protection of the Antarctic environment from all forms of harmful human interference.

3. For the purposes of this Convention, 'Antarctic Treaty Consultative Parties' means the Contracting Parties to the Antarctic Treaty whose Representatives participate in meetings under Article IX of the Antarctic Treaty.

Article VI

Nothing in this Convention shall derogate from the rights and obligations of Contracting Parties under the International Convention for the Regulation of Whaling and the Convention for the Conservation of Antarctic Seals.

Article VII

1. The Contracting Parties hereby establish and agree to maintain the Commission for the Conservation of Antarctic Marine Living Resources (hereinafter referred to as 'the Commission').

2. Membership in the Commission shall be as follows:

- (a) each Contracting Party which participated in the meeting at which this Convention was adopted shall be a Member of the Commission;
- (b) each State Party which has acceded to this Convention pursuant to Article XXIX shall be entitled to be a Member of the Commission during such time as that acceding Party is engaged in research or harvesting activities in relation to the marine living resources to which this Convention applies;
- (c) each regional economic integration organisation which has acceded to this Convention pursuant to Article XXIX shall be entitled to be a Member of the Commission during such time as its States members are so entitled;
- (d) a Contracting Party seeking to participate in the work of the Commission pursuant to sub-paragraphs (b) and (c) above shall notify the Depositary of the basis upon which it seeks to become a Member of the Commission and of its willingness to accept conservation measures in force. The Depositary shall communicate to each Member of the Commission such notification and accompanying information. Within two months of receipt of such communication from the Depositary, any Member of the Commission may request that a special meeting of the Commission be held to consider the matter. Upon receipt of such request, the Depositary shall call such a meeting. If there is no request for a meeting, the Contracting Party submitting the notification shall be deemed to have satisfied the requirements for Commission Membership.

3. Each Member of the Commission shall be represented by one representative who may be accompanied by alternate representatives and advisers.

Article VIII

The Commission shall have legal personality and shall enjoy in the territory of each of the States Parties such legal capacity as may be necessary to perform its function and achieve the purposes of this Convention. The privileges and immunities to be enjoyed by the Commission and its staff in the territory of a State Party shall be determined by agreement between the Commission and the State Party concerned.

Article IX

1. The function of the Commission shall be to give effect to the objective and principles set out in Article II of this Convention. To this end, it shall:

- (a) facilitate research into and comprehensive studies of Antarctic marine living resources and of the Antarctic marine ecosystem;
- (b) compile data on the status of and changes in population of Antarctic marine living resources and on factors affecting the distribution, abundance and productivity of harvested species and dependent or related species or populations;
- (c) ensure the acquisition of catch and effort statistics on harvested populations;
- (d) analyse, disseminate and publish the information referred to in sub-paragraphs (b) and (c) above and the reports of the Scientific Committee;
- (e) identify conservation needs and analyse the effectiveness of conservation measures;
- (f) formulate, adopt and revise conservation measures on the basis of the best scientific evidence available, subject to the provisions of paragraph 5 of this Article;
- (g) implement the system of observation and inspection established under Article XXIV of this Convention;
- (h) carry out such other activities as are necessary to fulfil the objective of this Convention.

2. The conservation measures referred to in paragraph 1(f) above include the following:

- (a) the designation of the quantity of any species which may be harvested in the area to which this Convention applies;
- (b) the designation of regions and sub-regions based on the distribution of populations of Antarctic marine living resources;
- (c) the designation of the quantity which may be harvested from the populations of regions and sub-regions;
- (d) the designation of protected species;

- (e) the designation of the size, age and, as appropriate, sex of species which may be harvested;
 - (f) the designation of open and closed seasons for harvesting;
 - (g) the designation of the opening and closing of areas, regions or sub-regions for purposes of scientific study or conservation, including special areas for protection and scientific study;
 - (h) regulation of the effort employed and methods of harvesting, including fishing gear, with a view, inter alia, to avoiding undue concentration of harvesting in any region or sub-region;
 - (i) the taking of such other conservation measures as the Commission considers necessary for the fulfilment of the objective of this Convention, including measures concerning the effects of harvesting and associated activities on components of the marine ecosystem other than the harvested populations.
3. The Commission shall publish and maintain a record of all conservation measures in force.
4. In exercising its functions under paragraph 1 above, the Commission shall take full account of the recommendations and advice of the Scientific Committee.
5. The Commission shall take full account of any relevant measures or regulations established or recommended by the Consultative Meetings pursuant to Article IX of the Antarctic Treaty or by existing fisheries commissions responsible for species which may enter the area to which this Convention applies, in order that there shall be no inconsistency between the rights and obligations of a Contracting Party under such regulations or measures and conservation measures which may be adopted by the Commission.
6. Conservation measures adopted by the Commission in accordance with this Convention shall be implemented by Members of the Commission in the following manner:
- (a) the Commission shall notify conservation measures to all Members of the Commission;
 - (b) conservation measures shall become binding upon all Members of the Commission 180 days after such notification, except as provided in sub-paragraphs (c) and (d) below;
 - (c) if a Member of the Commission, within ninety days following the notification specified in sub-paragraph (a), notifies the Commission that it is unable to accept the conservation measure, in whole or in part, the measure shall not, to the extent stated, be binding upon that Member of the Commission;
 - (d) in the event that any Member of the Commission invokes the procedure set forth in sub-paragraph (c) above, the Commission shall meet at the request of any Member of the Commission to review the conservation measure. At the time of such meeting and within thirty days following the meeting, any Member of the

Commission shall have the right to declare that it is no longer able to accept the conservation measure, in which case the Member shall no longer be bound by such a measure.

Article X

1. The Commission shall draw the attention of any State which is not a Party to this Convention to any activity undertaken by its nationals or vessels which, in the opinion of the Commission, affects the implementation of the objective of this Convention.
2. The Commission shall draw the attention of all Contracting Parties to any activity which, in the opinion of the Commission, affects the implementation by a Contracting Party of the objective of this Convention or the compliance by that Contracting Party with its obligations under this Convention.

Article XI

The Commission shall seek to co-operate with Contracting Parties which may exercise jurisdiction in marine areas adjacent to the area to which this Convention applies in respect of the conservation of any stock or stocks of associated species which occur both within those areas and the area to which this Convention applies, with a view to harmonising the conservation measures adopted in respect of such stocks.

Article XII

1. Decisions of the Commission on matters of substance shall be taken by consensus. The question of whether a matter is one of substance shall be treated as a matter of substance.
2. Decisions on matters other than those referred to in paragraph 1 above shall be taken by a simple majority of the Members of the Commission present and voting.
3. In Commission consideration of any item requiring a decision, it shall be made clear whether a regional economic integration organisation will participate in the taking of the decision and, if so, whether any of its Member States will also participate. The number of Contracting Parties so participating shall not exceed the number of Member States of the regional economic integration organisation which are Members of the Commission.
4. In the taking of decisions pursuant to this Article, a regional economic integration organisation shall have only one vote.

Article XIII

1. The headquarters of the Commission shall be established at Hobart, Tasmania, Australia.

2. The Commission shall hold a regular annual meeting. Other meetings shall also be held at the request of one-third of its Members and as otherwise provided in this Convention. The first meeting of the Commission shall be held within three months of the entry into force of this Convention, provided that among the Contracting Parties there are at least two States conducting harvesting activities within the area to which this Convention applies. The first meeting shall, in any event, be held within one year of the entry into force of this Convention. The Depositary shall consult with the signatory States regarding the first Commission meeting, taking into account that a broad representation of such States is necessary for the effective operation of the Commission.

3. The Depositary shall convene the first meeting of the Commission at the headquarters of the Commission. Thereafter, meetings of the Commission shall be held at its headquarters, unless it decides otherwise.

4. The Commission shall elect from among its Members a Chairman and Vice-Chairman, each of whom shall serve for a term of two years and shall be eligible for re-election for one additional term. The first Chairman shall, however, be elected for an initial term of three years. The Chairman and Vice-Chairman shall not be representatives of the same Contracting Party.

5. The Commission shall adopt and amend as necessary the rules of procedure for the conduct of its meetings, except with respect to the matters dealt with in Article XII of this Convention.

6. The Commission may establish such subsidiary bodies as are necessary for the performance of its functions.

Article XIV

1. The Contracting Parties hereby establish the Scientific Committee for the Conservation of Antarctic Marine Living Resources (hereinafter referred to as 'the Scientific Committee') which shall be a consultative body to the Commission. The Scientific Committee shall normally meet at the headquarters of the Commission unless the Scientific Committee decides otherwise.

2. Each Member of the Commission shall be a Member of the Scientific Committee and shall appoint a representative with suitable scientific qualifications who may be accompanied by other experts and advisers.

3. The Scientific Committee may seek the advice of other scientists and experts as may be required on an *ad hoc* basis.

Article XV

1. The Scientific Committee shall provide a forum for consultation and co-operation concerning the collection, study and exchange of information with respect to the marine living resources to which this Convention applies. It shall encourage and promote co-operation in the field of scientific research in order to extend knowledge of the marine living resources of the Antarctic marine ecosystem.

2. The Scientific Committee shall conduct such activities as the Commission may direct in pursuance of the objective of this Convention and shall:

- (a) establish criteria and methods to be used for determinations concerning the conservation measures referred to in Article IX of this Convention;
- (b) regularly assess the status and trends of the populations of Antarctic marine living resources;
- (c) analyse data concerning the direct and indirect effects of harvesting on the populations of Antarctic marine living resources;
- (d) assess the effects of proposed changes in the methods or levels of harvesting and proposed conservation measures;
- (e) transmit assessments, analyses, reports and recommendations to the Commission as requested or on its own initiative regarding measures and research to implement the objective of this Convention;
- (f) formulate proposals for the conduct of international and national programs of research into Antarctic marine living resources.

3. In carrying out its functions, the Scientific Committee shall have regard to the work of other relevant technical and scientific organisations and to the scientific activities conducted within the framework of the Antarctic Treaty.

Article XVI

1. The first meeting of the Scientific Committee shall be held within three months of the first meeting of the Commission. The Scientific Committee shall meet thereafter as often as may be necessary to fulfil its functions.

2. The Scientific Committee shall adopt and amend as necessary its rules of procedure. The rules and any amendments thereto shall be approved by the Commission. The rules shall include procedures for the presentation of minority reports.

3. The Scientific Committee may establish, with the approval of the Commission, such subsidiary bodies as are necessary for the performance of its functions.

Article XVII

1. The Commission shall appoint an Executive Secretary to serve the Commission and Scientific Committee according to such procedures and on such terms and conditions as the Commission may determine. His term of office shall be for four years and he shall be eligible for re-appointment.

2. The Commission shall authorise such staff establishment for the Secretariat as may be necessary and the Executive Secretary shall appoint, direct and supervise such staff according to such rules, and procedures and on such terms and conditions as the Commission may determine.
3. The Executive Secretary and Secretariat shall perform the functions entrusted to them by the Commission.

Article XVIII

The official languages of the Commission and of the Scientific Committee shall be English, French, Russian and Spanish.

Article XIX

1. At each annual meeting, the Commission shall adopt by consensus its budget and the budget of the Scientific Committee.
2. A draft budget for the Commission and the Scientific Committee and any subsidiary bodies shall be prepared by the Executive Secretary and submitted to the Members of the Commission at least sixty days before the annual meeting of the Commission.
3. Each Member of the Commission shall contribute to the budget. Until the expiration of five years after the entry into force of this Convention, the contribution of each Member of the Commission shall be equal. Thereafter the contribution shall be determined in accordance with two criteria: the amount harvested and an equal sharing among all Members of the Commission. The Commission shall determine by consensus the proportion in which these two criteria shall apply.
4. The financial activities of the Commission and Scientific Committee shall be conducted in accordance with financial regulations adopted by the Commission and shall be subject to an annual audit by external auditors selected by the Commission.
5. Each Member of the Commission shall meet its own expenses arising from the attendance at meetings of the Commission and of the Scientific Committee.
6. A Member of the Commission that fails to pay its contributions for two consecutive years shall not, during the period of its default, have the right to participate in the taking of decisions in the Commission.

Article XX

1. The Members of the Commission shall, to the greatest extent possible, provide annually to the Commission and to the Scientific Committee such statistical, biological and other data and information as the Commission and Scientific Committee may require in the exercise of their functions.

2. The Members of the Commission shall provide, in the manner and at such intervals as may be prescribed, information about their harvesting activities, including fishing areas and vessels, so as to enable reliable catch and effort statistics to be compiled.
3. The Members of the Commission shall provide to the Commission at such intervals as may be prescribed information on steps taken to implement the conservation measures adopted by the Commission.
4. The Members of the Commission agree that in any of their harvesting activities, advantage shall be taken of opportunities to collect data needed to assess the impact of harvesting.

Article XXI

1. Each Contracting Party shall take appropriate measures within its competence to ensure compliance with the provisions of this Convention and with conservation measures adopted by the Commission to which the Party is bound in accordance with Article IX of this Convention.
2. Each Contracting Party shall transmit to the Commission information on measures taken pursuant to paragraph 1 above, including the imposition of sanctions for any violation.

Article XXII

1. Each Contracting Party undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity contrary to the objective of this Convention.
2. Each Contracting Party shall notify the Commission of any such activity which comes to its attention.

Article XXIII

1. The Commission and the Scientific Committee shall co-operate with the Antarctic Treaty Consultative Parties on matters falling within the competence of the latter.
2. The Commission and the Scientific Committee shall co-operate, as appropriate, with the Food and Agriculture Organisation of the United Nations and with other Specialised Agencies.
3. The Commission and the Scientific Committee shall seek to develop co-operative working relationships, as appropriate, with inter-governmental and nongovernmental organisations which could contribute to their work, including the Scientific Committee on Antarctic Research, the Scientific Committee on Oceanic Research and the International Whaling Commission.

4. The Commission may enter into agreements with the organisations referred to in this Article and with other organisations as may be appropriate. The Commission and the Scientific Committee may invite such organisations to send observers to their meetings and to meetings of their subsidiary bodies.

Article XXIV

1. In order to promote the objective and ensure observance of the provisions of this Convention, the Contracting Parties agree that a system of observation and inspection shall be established.

2. The system of observation and inspection shall be elaborated by the Commission on the basis of the following principles:

- (a) Contracting Parties shall co-operate with each other to ensure the effective implementation of the system of observation and inspection, taking account of the existing international practice. This system shall include, inter alia, procedures for boarding and inspection by observers and inspectors designated by the Members of the Commission and procedures for flag state prosecution and sanctions on the basis of evidence resulting from such boarding and inspections. A report of such prosecutions and sanctions imposed shall be included in the information referred to in Article XXI of this Convention;
- (b) in order to verify compliance with measures adopted under this Convention, observation and inspection shall be carried out on board vessels engaged in scientific research or harvesting of marine living resources in the area to which this Convention applies, through observers and inspectors designated by the Members of the Commission and operating under terms and conditions to be established by the Commission;
- (c) designated observers and inspectors shall remain subject to the jurisdiction of the Contracting Party of which they are nationals. They shall report to the Member of the Commission by which they have been designated which in turn shall report to the Commission.

3. Pending the establishment of the system of observation and inspection, the Members of the Commission shall seek to establish interim arrangements to designate observers and inspectors and such designated observers and inspectors shall be entitled to carry out inspections in accordance with the principles set out in paragraph 2 above.

Article XXV

1. If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of this Convention, those Contracting Parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

2. Any dispute of this character not so resolved shall, with the consent in each case of all Parties to the dispute, be referred for settlement to the International Court of Justice or to arbitration; but failure to reach agreement on reference to the International Court or to arbitration shall not absolve Parties to the dispute from the responsibility of continuing to seek to resolve it by any of the various peaceful means referred to in paragraph 1 above.

3. In cases where the dispute is referred to arbitration, the arbitral tribunal shall be constituted as provided in the Annex to this Convention.

Article XXVI

1. This Convention shall be open for signature at Canberra from 1 August to 31 December 1980 by the States participating in the Conference on the Conservation of Antarctic Marine Living Resources held at Canberra from 7 to 20 May 1980.

2. The States which so sign will be the original signatory States of the Convention.

Article XXVII

1. This Convention is subject to ratification, acceptance or approval by signatory States.

2. Instruments of ratification, acceptance or approval shall be deposited with the Government of Australia, hereby designated as the Depositary.

Article XXVIII

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the eighth instrument of ratification, acceptance or approval by States referred to in paragraph 1 of Article XXVI of this Convention.

2. With respect to each State or regional economic integration organisation which subsequent to the date of entry into force of this Convention deposits an instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day following such deposit.

Article XXIX

1. This Convention shall be open for accession by any State interested in research or harvesting activities in relation to the marine living resources to which this Convention applies.

2. This Convention shall be open for accession by regional economic integration organisations constituted by sovereign States which include among their members one or more States Members of the Commission and to which the States members of the organisation have

transferred, in whole or in part, competences with regard to the matters covered by this Convention. The accession of such regional economic integration organisations shall be the subject of consultations among Members of the Commission.

Article XXX

1. This Convention may be amended at any time.
2. If one-third of the Members of the Commission request a meeting to discuss a proposed amendment the Depositary shall call such a meeting.
3. An amendment shall enter into force when the Depositary has received instruments of ratification, acceptance or approval thereof from all the Members of the Commission.
4. Such amendment shall thereafter enter into force as to any other Contracting Party when notice of ratification, acceptance or approval by it has been received by the Depositary. Any such Contracting Party from which no such notice has been received within a period of one year from the date of entry into force of the amendment in accordance with paragraph 3 above shall be deemed to have withdrawn from this Convention.

Article XXXI

1. Any Contracting Party may withdraw from this Convention on 30 June of any year, by giving written notice not later than 1 January of the same year to the Depositary, which, upon receipt of such a notice, shall communicate it forthwith to the other Contracting Parties.
2. Any other Contracting Party may, within sixty days of the receipt of a copy of such a notice from the Depositary, give written notice of withdrawal to the Depositary in which case the Convention shall cease to be in force on 30 June of the same year with respect to the Contracting Party giving such notice.
3. Withdrawal from this Convention by any Member of the Commission shall not affect its financial obligations under this Convention.

Article XXXII

The Depositary shall notify all Contracting Parties of the following:

- (a) signatures of this Convention and the deposit of instruments of ratification, acceptance, approval or accession;
- (b) the date of entry into force of this Convention and of any amendment thereto.

Article XXXIII

1. This Convention, of which the English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Government of Australia which shall transmit duly certified copies thereof to all signatory and acceding Parties.
2. This Convention shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

Drawn up at Canberra this twentieth day of May 1980.

Annex for an Arbitral Tribunal

1. The arbitral tribunal referred to in paragraph 3 of Article XXV shall be composed of three arbitrators who shall be appointed as follows:
 - (a) The Party commencing proceedings shall communicate the name of an arbitrator to the other Party which, in turn, within a period of forty days following such notification, shall communicate the name of the second arbitrator. The Parties shall, within a period of sixty days following the appointment of the second arbitrator, appoint the third arbitrator, who shall not be a national of either Party and shall not be of the same nationality as either of the first two arbitrators. The third arbitrator shall preside over the tribunal;
 - (b) If the second arbitrator has not been appointed within the prescribed period, or if the Parties have not reached agreement within the prescribed period on the appointment of the third arbitrator, that arbitrator shall be appointed, at the request of either Party, by the Secretary-General of the Permanent Court of Arbitration, from among persons of international standing not having the nationality of a State which is a Party to this Convention.
2. The arbitral tribunal shall decide where its headquarters will be located and shall adopt its own rules of procedure.
3. The award of the arbitral tribunal shall be made by a majority of its members, who may not abstain from voting.
4. Any Contracting Party which is not a Party to the dispute may intervene in the proceedings with the consent of the arbitral tribunal.
5. The award of the arbitral tribunal shall be final and binding on all Parties to the dispute and on any Party which intervenes in the proceedings and shall be complied with without delay. The arbitral tribunal shall interpret the award at the request of one of the Parties to the dispute or of any intervening Party.
6. Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the Parties to the dispute in equal shares.

Statement by the Chairman of the Conference on the Conservation of Antarctic Marine Living Resources

The Conference on the Conservation of Antarctic Marine Living Resources decided to include in the publication of the Final Act of the Conference the text of the following statement made by the Chairman on 19 May 1980 regarding the application of the Convention on the Conservation of Antarctic Marine Living Resources to the waters adjacent to Kerguelen and Crozet over which France has jurisdiction and to waters adjacent to other islands within the area to which this Convention applies over which the existence of State sovereignty is recognised by all Contracting Parties.

- ‘1. Measures for the conservation of Antarctic marine living resources of the waters adjacent to Kerguelen and Crozet, over which France has jurisdiction, adopted by France prior to the entry into force of the Convention, would remain in force after the entry into force of the Convention until modified by France acting within the framework of the Commission or otherwise.
2. After the Convention has come into force, each time the Commission should undertake examination of the conservation needs of the marine living resources of the general area in which the waters adjacent to Kerguelen and Crozet are to be found, it would be open to France either to agree that the waters in question should be included in the area of application of any specific conservation measure under consideration or to indicate that they should be excluded. In the latter event, the Commission would not proceed to the adoption of the specific conservation measure in a form applicable to the waters in question unless France removed its objection to it. France could also adopt such national measures as it might deem appropriate for the waters in question.
3. Accordingly, when specific conservation measures are considered within the framework of the Commission and with the participation of France, then:
 - (a) France would be bound by any conservation measures adopted by consensus with its participation for the duration of those measures. This would not prevent France from promulgating national measures that were more strict than the Commission’s measures or which dealt with other matters;
 - (b) in the absence of consensus, France could promulgate any national measures which it might deem appropriate.
4. Conservation measures, whether national measures or measures adopted by the Commission, in respect of the waters adjacent to Kerguelen and Crozet, would be enforced by France. The system of observation and inspection foreseen by the Convention would not be implemented in the waters adjacent to Kerguelen and Crozet except as agreed by France and in the manner so agreed.
5. The understandings, set forth in paragraphs 1 to 4 above, regarding the application of the Convention to waters adjacent to the islands of Kerguelen and Crozet, also apply to waters adjacent to the islands within the area to which this Convention applies over which the existence of State sovereignty is recognised by all Contracting Parties.’

No objection to the statement was made.

Headquarters Agreement between the Commission for the
Conservation of Antarctic Marine Living Resources
and the Government of Australia

**Headquarters Agreement between the Commission for the
Conservation of Antarctic Marine Living Resources
and the Government of Australia¹**

The Commission for the Conservation of Antarctic Marine Living Resources and the Government of Australia,

Having regard to Article XIII of the Convention on the Conservation of Antarctic Marine Living Resources drawn up at Canberra on 20 May 1980 which provides that the headquarters of the Commission for the Conservation of Antarctic Marine Living Resources shall be established at Hobart, Tasmania, Australia;

Desiring to define the legal capacity, privileges and immunities of the Commission and the privileges and immunities to be enjoyed by the staff of the Commission in Australia in accordance with Article VIII of the Convention on the Conservation of Antarctic Marine Living Resources; and

Wishing to provide for the privileges and immunities of certain other persons in the interests of facilitating the performance by the Commission of its functions under the Convention on the Conservation of Antarctic Marine Living Resources;

Have agreed as follows:

Article 1
Definitions

For the purpose of this Agreement:

- (a) 'appropriate authorities' means the national, State, Territory or local authorities as the context may require, in accordance with the laws of Australia and its States and Territories;
- (b) 'archives' includes all records, correspondence, documents, manuscripts, photographs, computer data storage, films and recordings belonging to or held by the Commission;
- (c) 'Commission' means the Commission for the Conservation of Antarctic Marine Living Resources and, where the context so requires, includes the Scientific Committee for the Conservation of Antarctic Marine Living Resources, their subsidiary bodies and the Secretariat established by the Convention;
- (d) 'Convention' means the Convention on the Conservation of Antarctic Marine Living Resources drawn up at Canberra on 20 May 1980, which entered into force on 7 April 1982;

¹ Signed on 8 September 1986 (CCAMLR-V, paragraph 9).

- (e) 'Envoy' means a diplomatic agent;
- (f) 'Executive Secretary' means the Executive Secretary appointed under Article XVII of the Convention;
- (g) 'Expert' means a person performing short term or temporary projects on behalf of the Commission and includes a person serving on the Scientific Committee or on another committee of the Commission or participating in the work of or performing a mission on behalf of the Commission or the Scientific Committee, without necessarily receiving remuneration from the Commission or the Scientific Committee, but does not include staff members;
- (h) 'Government' means the Government of Australia;
- (i) 'Headquarters' means premises of the Commission including the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, occupied by the Commission for the performance of its official activities;
- (j) 'Official activities' means all activities undertaken pursuant to the Convention, including the Commission's administrative activities;
- (k) 'Parties' means Parties to the Convention;
- (l) 'Representatives' means representatives of Parties to the Convention in attendance at Conferences or meetings convened by the Commission and includes delegates, alternates, advisers, technical experts and secretaries of delegations;
- (m) 'Scientific Committee' means the Scientific Committee for the Conservation of Antarctic Marine Living Resources established by Article XIV of the Convention and includes any subsidiary body established by the Scientific Committee under Article XVI(3) of the Convention;
- (n) 'Serious offence' means an offence under any law of Australia or of a State or Territory of Australia for which a person convicted would be liable on a first conviction to imprisonment for a period of five years or more according to the law applicable in the Australian Capital Territory if the offence had been committed in that Territory; and
- (o) 'Staff member' means the Executive Secretary and all persons appointed or recruited for full-time employment with the Commission and subject to its staff regulations, but does not include:
 - (i) experts; or
 - (ii) persons recruited locally and assigned to hourly rates of pay.

Article 2

Interpretation

This Agreement shall be interpreted in the light of its primary objective of enabling the Commission to perform its functions in Australia.

Article 3

Legal personality

The Commission has legal personality. It has, in particular, the capacity to contract, to acquire and dispose of movable and immovable property, and to institute and be a party to legal proceedings.

Article 4

Premises

1. The Headquarters of the Commission shall be inviolable and shall be under the full authority of the Commission.
2. The Government shall arrange for the provision at nominal rental to the Commission of suitable permanent premises in Hobart, Tasmania, Australia.
3. The Government shall take all appropriate steps to protect the Headquarters of the Commission against any intrusion or damage and to prevent any impairment of its dignity.
4. The Government shall arrange for the Headquarters to be supplied by the appropriate authorities with available public services, such as electricity, water, sewerage, gas, mail, telephone, telegraph, drainage, collection of refuse and fire protection, on terms no less favourable than those enjoyed by the Government.
5. The Commission shall make known to the Government the need for any changes to the location or extent of its permanent premises or archives and of any temporary occupation of premises for the performance of its official activities. Where any premises other than those arranged under Article 4(2) of this Agreement are used or occupied by the Commission for the performance of its official activities, such premises shall, with the concurrence of the Government, be accorded the status of premises of the Commission. Where any permanent or temporary changes are made to the premises of the Commission in accordance with this paragraph, any additional premises occupied by the Commission shall not necessarily be provided by the Government at nominal rental.
6. Without prejudice to the terms of this Agreement, the Commission shall not permit the Headquarters of the Commission to become a refuge from justice for persons avoiding arrest or service of legal process or against whom an order of extradition or deportation has been issued.

7. The appropriate authorities may enter the Headquarters to carry out their duties only with the consent of the Executive Secretary and under the conditions agreed by him. The Executive Secretary's consent shall be deemed to have been given in the case of fire or other occurrence which may require immediate protective action.

Article 5

Immunities of the Commission

1. Except as otherwise provided in the Convention or in this Agreement, the activities of the Commission in Australia shall be governed by the laws of Australia.

2. Within the scope of its official activities the Commission and its property, premises and assets shall have immunity from suit and other legal process except:

- (a) to the extent that the Commission expressly waives such immunity from such suit and other legal process in a particular case;
- (b) in respect of any contract for the supply of goods or services and any loan or other transaction for the provision of finance and any guarantee or indemnity in respect of any such transaction or of any other financial obligation;
- (c) in respect of a civil action by a third party for death, damage or personal injury arising from an accident caused by a motor vehicle belonging to, or operated on behalf of, the Commission;
- (d) in respect of a motor vehicle offence involving a motor vehicle belonging to, or operated on behalf of, the Commission;
- (e) in the event of the attachment, pursuant to the final order of a court of law, of the salaries, wages or other emoluments owed by the Commission to a staff member of the Commission or to an expert;
- (f) in respect of a counter-claim directly connected with proceedings initiated by the Commission; and
- (g) in respect of the enforcement of an arbitration award made under Articles 20(3) or 25 of this Agreement.

3. The Commission's property, premises and assets, wherever situated, shall have immunity from any form of restrictions or controls such as requisition, confiscation, expropriation or attachment. They shall also be immune from any form of administrative or judicial constraint provided that motor vehicles belonging to or operated on behalf of the Commission shall not be immune from administrative or judicial constraint when temporarily necessary in connection with the prevention of, and investigation into, accidents involving such motor vehicles. These immunities shall cease to apply in relation to property, premises and assets which have been abandoned by the Commission for a period in excess of twelve months.

Article 6

Archives

The archives of the Commission shall be inviolable wherever they are.

Article 7

Flag and Emblem

The Commission shall be entitled to display its flag and emblem on the premises and means of transport of the Commission and of the Executive Secretary.

Article 8

Exemption from direct taxes

1. Within the scope of its official activities, the Commission, its property, premises and assets, and its income, including contributions made to the Commission under the Convention, shall be exempt from all direct taxes including income tax, capital gains tax and corporation tax, and all State taxes. The Commission shall be exempt from municipal rates with the exception of those which constitute payment for specific services rendered in accordance with Article 4(4).

2. The exemption from taxation on income provided for in Article 8(1) and in Articles 16 and 17 shall be given on the understanding that no taxation shall be imposed on such income by other Parties.

Article 9

Exemption from Customs and Excise Duties and Sales Tax

1. Goods, including the Commission's publications, motor vehicles and items for official entertainment purposes that are intended for the official use of the Commission shall be exempt from all customs and excise duties including sales tax payable at the customs, except payment for services.

2. Sales tax shall not be payable in respect of goods, including publications and other information material, motor vehicles and items for official entertainment purposes, upon the sale of which to the Commission sales tax would otherwise be payable by the vendor, if the goods so purchased by the Commission are necessary for its official use.

Article 10

Exemption from Restrictions and Prohibitions

Goods imported or exported for the official activities of the Commission shall be exempt from prohibitions and restrictions applicable to such goods on grounds of national origin.

Article 11

Re-sale

Goods which have been acquired or imported by the Commission to which exemptions under Article 9 of this Agreement apply and goods acquired or imported by the Executive Secretary under Article 16 of this Agreement shall not be given away, sold, lent, hired out or otherwise disposed of in Australia except under conditions agreed in advance with the Government.

Article 12

Currency and Exchange

The Commission shall be exempt from currency and exchange restrictions, including those in respect of funds, currency and securities received, acquired, held or disposed of. The Commission may also operate bank or other accounts for its official use in any currency, and have them transferred freely within Australia or to any other country.

Article 13

Communications

1. With regard to its official communications and the transfer of all its documents, the Commission shall enjoy treatment not less favourable than that generally accorded to equivalent inter-governmental organisations in the matter of priorities, rates and taxes on mails and all forms of telecommunications.
2. The Commission may employ all appropriate means of communication, including messages in code or cypher. The Government shall not impose any restriction on the official communications of the Commission or on the circulation of its publications.
3. The Commission may install and use a radio transmitter only with the consent of the Government.
4. Official correspondence and other official communications of the Commission are not subject to censorship.

Article 14

Publications

The importation and exportation of the Commission's publications and other information material imported or exported by the Commission within the scope of its official activities shall not be restricted in any way.

Article 15
Representatives in Attendance at Conferences
Convened by the Commission

1. Representatives shall enjoy, while exercising their functions in Australia and while travelling in the exercise of their functions in Australia, the following privileges and immunities:

- (a) immunity from arrest and detention and from attachment of personal luggage except when found committing, attempting to commit or just having committed a serious offence;
- (b) inviolability of representatives' residences in Australia occupied during the course of their functions;
- (c) immunity, which shall extend beyond the termination of their mission, from suit and other legal process in respect of acts and things done by them in the exercise of their official functions, including words written or spoken; this immunity shall not, however, apply in the case of civil or administrative proceedings arising out of death, damage or personal injury caused by a motor vehicle belonging to or driven by them;
- (d) inviolability for all their official papers and documents;
- (e) exemption (including exemption of the spouse of the representative) from the application of laws relating to the registration of aliens, the obligation to perform national service and any other national duty, and immigration;
- (f) unless they are citizens of or permanently resident in Australia, the same exemption from currency and exchange restrictions as is accorded to a representative of a foreign government on a temporary mission to Australia on behalf of that government;
- (g) the same exemptions in relation to inspection of their personal baggage as are accorded to envoys;
- (h) the right to use codes and to send and receive correspondence and other papers and documents by couriers or in sealed bags;
- (i) unless they are citizens of or permanently resident in Australia, the same exemption from taxes on income as is accorded an envoy in Australia; and
- (j) similar repatriation facilities including such facilities in respect of a spouse and dependent relatives, in time of international crisis as are accorded to an envoy.

2. The provisions of the preceding paragraph shall be applicable irrespective of the relations existing between the governments which the persons referred to represent and the Government, and are without prejudice to any additional immunities to which such persons may be entitled.

3. In order to assist the Government to implement the provisions of this Article, the Commission shall, so far as possible, inform the Government of the names of representatives prior to their arrival in Australia.

4. The privileges and immunities described in paragraph 1 of this Article shall not be accorded to any representative of the Government or to any citizen or permanent resident of Australia.

5. Privileges and immunities are accorded to the representatives of Parties not for the personal benefit of individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the Commission. Consequently, a Party not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Party the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded. If the Party sending the representative does not waive the immunity of the representative, it shall make the strongest efforts to achieve an equitable solution of the matter.

6. The Government shall treat representatives with all due respect and shall take all necessary measures to prevent encroachment on their person, freedom and dignity. Where it appears that an offence may have been committed against a representative, steps shall be taken in accordance with Australian legal processes to investigate the matter and to ensure that appropriate action is taken with respect to the prosecution of the alleged offender.

Article 16

Executive Secretary

In addition to the privileges, immunities, exemptions and facilities provided for in Article 17 of this Agreement, the Executive Secretary, unless he is a citizen of or permanently resident in Australia, shall enjoy the privileges, immunities, exemptions and facilities to which an envoy in Australia is entitled, including privileges, immunities, exemptions and facilities in respect of a spouse and dependent children under the age of eighteen years.

Article 17

Staff Members

Staff members of the Commission:

- (a) shall have, even after the termination of their service with the Commission, immunity from suit and other legal process in respect of acts and things done by them in the exercise of their official functions, including words written or spoken; this immunity shall not, however, apply in the case of a motor vehicle offence committed by such a staff member nor in the case of civil or administrative proceedings arising out of death, damage or personal injury caused by a motor vehicle belonging to or driven by him;
- (b) shall be exempt from any obligations in respect of national service and all other kinds of mandatory service; staff members who are Australian citizens or

permanent residents shall be accorded such exemption only if their names have been placed on a list compiled for that purpose by the Executive Secretary and approved by the Government;

- (c) shall be exempt from the application of laws relating to the registration of aliens and immigration; the spouse and dependent children under the age of eighteen years of a staff member shall enjoy the same exemptions;
- (d) unless they are citizens of or permanently resident in Australia, shall be accorded the same exemption from currency and exchange restrictions as is accorded to an official of comparable rank forming part of a diplomatic mission in Australia;
- (e) unless they are citizens of or permanently resident in Australia shall, at the time of first taking up their post in Australia, be exempt from customs duties and other such charges (except payments for services) in respect of import of furniture and personal effects including motor vehicles in their ownership or possession or already ordered by them and intended for their personal use or for their establishment; such goods shall be imported within six months of a staff member's first entry into Australia but in exceptional circumstances an extension of this period shall be granted by the Government; goods which have been acquired or imported by staff members and to which exemptions under this sub paragraph apply shall not be given away, sold, lent, hired out, or otherwise disposed of except under conditions agreed in advance with the Government; furniture and personal effects including motor vehicles may be exported free of duties when leaving Australia on the termination of the official functions of the staff member;
- (f) shall be exempt from all taxes on income received from the Commission; exemption from taxation on income under this sub-paragraph shall not apply to staff members who are residents of Australia for services rendered in Australia, unless the staff member is not an Australian citizen and came to Australia solely for the purpose of performing his duties for the Commission; and
- (g) shall have similar repatriation facilities, including such facilities in respect of a spouse and dependent relatives in time of international crisis as are accorded to an envoy.

Article 18

Experts

In the exercise of their functions experts shall enjoy the following privileges and immunities to the extent necessary for the carrying out of their functions, including during travel undertaken in Australia in carrying out their functions:

- (a) immunity from suit and other legal process in respect of acts and things done in the exercise of their official functions, including words written or spoken; this immunity shall not, however, apply in the case of a motor vehicle offence committed by such an expert, nor in the case of civil or administrative proceedings

arising out of death, damage or personal injury caused by a motor vehicle belonging to or driven by him; such immunity shall continue after the expert's function in relation to the Commission have ceased;

- (b) inviolability for all their official papers and documents;
- (c) unless they are citizens of or permanently resident in Australia, the same exemption from currency and exchange restrictions as is accorded to a representative of a foreign government on a temporary mission in Australia on behalf of that government; and
- (d) unless they are citizens of or permanent residents of Australia, immunity from personal arrest and detention and from attachment of personal luggage except when found committing, attempting to commit or just having committed a serious offence.

Article 19

Visas

1. All persons having official business with the Commission, namely (a) representatives of Parties (and their spouses), (b) staff members of the Commission (and their spouses and dependent relatives), and (c) experts and consultants on missions for the Commission, should have the right of entry into and exit from Australia.

2. The Government shall take all measures necessary to facilitate the entry into Australian territory, the sojourn on this territory and the exit therefrom of all persons mentioned in the preceding paragraph. Visas, where required, shall be granted without wait or delay, and without fee, on production of a certificate that the applicant is a person described in the preceding paragraph. In addition, the Australian Government will facilitate for such persons speedy travel within Australia.

Article 20

Object of Privileges and Immunities Accorded to Staff Members and Experts

1. Privileges and immunities are accorded to staff members and experts to ensure the independence of the persons to whom they are accorded in the exercise of their functions to achieve the purposes of the Convention.

2. The Executive Secretary has the right and duty after consultations with the Members of the Commission to waive any immunities, other than his own, and those of his spouse and dependent children under the age of eighteen years, when he considers that such immunities would impede the course of justice and they can be waived without prejudicing the purposes for which they were accorded. The immunities of the Executive Secretary and those of his spouse and dependent children under the age of eighteen years may be waived only by the Commission, in similar circumstances.

3. If such immunities are not waived, the Commission shall make the strongest efforts to achieve an equitable solution of the matter. Such a solution may include an arbitration procedure.

Article 21

Cooperation

The Commission shall cooperate fully at all times with the appropriate authorities in order to prevent any abuse of the privileges, immunities and facilities provided for in this Agreement. The Government reserves its sovereign right to take reasonable measures to preserve security. Nothing in this Agreement prevents the application of laws necessary for health and quarantine or, in respect of the Commission and its officials, laws relating to public order.

Article 22

Notification of Appointment

Identity Cards

1. The Commission shall inform the Government when a staff member or expert takes up or relinquishes his post. Where possible, prior notice of arrival and final departure shall be given. If staff members are accompanied by a spouse or dependent children under the age of eighteen years, prior notice shall also be given, where possible, in respect of such persons.

2. The Commission shall twice each year send to the Government a list of all staff members, their spouses and dependent children under the age of eighteen years accompanying them in Australia, and experts. In each case the Commission shall indicate whether such persons are citizens or permanently resident in Australia.

3. The Government shall issue to all staff members and experts as soon as practicable after notification of their appointment, a card bearing the photograph of the holder and identifying him as a staff member or expert as the case may be. This card shall be accepted by the appropriate authorities as evidence of identity and appointment. The Commission shall return the card to the Government when the staff member or expert relinquishes his duties. The spouse and dependent children under the age of eighteen years of staff members shall also be issued with an identity card, which shall be returned to the Government when the staff member relinquishes his duties.

Article 23

Consultations

The Government and the Commission shall consult at the request of either of them concerning matters arising under this Agreement.

Article 24

Amendment

This Agreement may be amended by agreement between the Government and the Commission.

Article 25

Settlement of Disputes

Any dispute between the Government and the Commission concerning the interpretation or application of this Agreement or any question affecting the relations between the Government and the Commission which is not settled by consultation or negotiation or by some other mutually acceptable method shall be referred to an arbitral tribunal constituted *mutatis mutandis* as provided for in the Annex to the Convention.

Article 26

Entry into Force and Termination

1. This Agreement shall enter into force on signature.
2. Immediately on its entering into force, this Agreement shall terminate the Interim Agreement between the Government of Australia and the Commission for the Conservation of Antarctic Marine Living Resources concerning Privileges and Immunities of the Commission done at Canberra on 15 August 1983 as extended.
3. This Agreement may be terminated by a joint decision of the Government and the Commission. In the event of the Headquarters of the Commission being moved from Australia, this Agreement shall, after a period reasonably required for such transfer and the disposal of the property of the Commission in Australia, cease to be in force. In either event, the date on which the Agreement terminates shall be confirmed by an exchange of notes between the Government and the Commission.

Rules of Procedure of the Commission

Rules of Procedure of the Commission¹

Part I Representation

Rule 1²

Each Member of the Commission shall be represented by one representative who may be accompanied by alternate representatives and advisers.

Rule 2

Each Member of the Commission shall notify the Executive Secretary as far as possible in advance of any meeting of the name of its representative and before or at the beginning of the meeting the names of its alternate representatives and advisers.

Rule 3

Each Member of the Commission shall nominate a correspondent who shall have primary responsibility for liaison with the Executive Secretary between meetings.

Part II Taking of Decisions

Rule 4

The Chair shall put to all Members of the Commission questions and proposals requiring decisions. Decisions shall be taken according to the following provisions:

- (a) Decisions of the Commission on matters of substance shall be taken by consensus. The question of whether a matter is one of substance shall be treated as a matter of substance.
- (b) Decisions on matters other than those referred to in paragraph (a) above shall be taken by a simple majority of the Members of the Commission present and voting.
- (c) In Commission consideration of any item requiring a decision, it shall be made clear whether a regional economic integration organisation will participate in the taking of the decision and, if so, whether any of its Member States will also participate. The number of Contracting Parties so participating shall not exceed the number of Member States of the regional economic integration organisation which are Members of the Commission.

¹ As adopted at CCAMLR-I (paragraph 13); amended at CCAMLR-VIII (paragraph 173); amended at CCAMLR-X (paragraph 17.2); amended at CCAMLR-XIII (paragraphs 13.10 and 13.11); amended at CCAMLR-40 (paragraph 5.3).

² Article VII(3) of the Convention on the Conservation of Antarctic Marine Living Resources.

- (d) In the taking of decisions pursuant to this rule, a regional economic integration organisation shall have only one vote.

Rule 5

At a meeting of the Commission, votes shall be taken by a show of hands. However, a roll call or a secret ballot vote shall be taken at the request of a Member of the Commission. In the case of conflicting requests as between a roll call or a secret ballot vote, a secret ballot vote shall be used. A roll call vote shall be taken by calling the names of the Members of the Commission entitled to vote in alphabetical order of the language of the country in which the meeting is held, beginning with the Member which has been chosen by lot.

Rule 6

At a meeting of the Commission, unless it decides otherwise, the Commission shall not discuss or take a decision on any item which has not been included in the provisional agenda for the meeting in accordance with Part IV of these rules.

Rule 7

When necessary, the taking of decisions and votes on any proposal made during the period between meetings may be carried out by post or by other means of textual communication.

- (a) The Chair or a Member which request the application of the procedure laid down by this rule shall convey with the proposal a recommendation as to whether the decision should be taken in accordance with Rule 4(a) or Rule 4(b). Any disagreement on this matter shall be resolved in accordance with the provisions of Rule 4, and the following provisions.
- (b) The Executive Secretary shall distribute copies of the proposal to all Members.
- (c) The Executive Secretary shall enquire of a regional economic integration organisation whether it will participate in the taking of the decision. If such organisation intends to participate in the taking of the decision, in view of Rule 4(c), it and the member or members of that organisation not so participating shall inform the Executive Secretary accordingly.
- (d) If the decision is to be taken in accordance with Rule 4(a):
 - (i) Members shall immediately acknowledge receipt of the Executive Secretary's communication and respond within 45 days of the date of acknowledgment of the proposal, indicating whether they wish to support it, reject it, abstain on it, refrain from participating in the taking of the decision, or whether they require additional time to consider it, or whether they

consider that it is not necessary for the decision to be taken during the period between meetings. In the latter case the Chair shall direct the Executive Secretary to inform all Members accordingly and the decision shall be remitted to the next meeting.

- (ii) If there are no rejections and if no Member either seeks additional time or objects to the decision being taken between meetings, the Chair shall direct the Executive Secretary to inform all Members that the proposal has been adopted.
 - (iii) If the responses include a rejection of the proposal, the Chair shall direct the Executive Secretary to inform all Members that the proposal has been rejected, and provide them with a brief description of all individual responses.
 - (iv) If the initial responses do not include a rejection of the proposal or an objection to the decision being taken between meetings, but a Member requests additional time to consider it, a further 30 days shall be allowed. The Executive Secretary shall inform all Members of the final date by which responses must be lodged. Members who have not responded by that date shall be deemed to be in support of the proposal. After the final date, the Chair shall direct the Executive Secretary to proceed in accordance with subparagraphs (ii) or (iii), as the case may be.
 - (v) The Executive Secretary shall distribute to each Member copies of all responses as they are received.
- (e) If the decision is to be taken in accordance with Rule 4(b):
- (i) Members shall immediately acknowledge receipt of the Executive Secretary's communication and respond within 45 days of the date of acknowledgment of the proposal, indicating whether they wish to support it, reject it, abstain on it or refrain from participating in the taking of the decision.
 - (ii) At the end of the 45-day period, the Chair shall count the votes and direct the Executive Secretary to inform all Members of the result.
 - (iii) The Executive Secretary shall distribute to each Member copies of all responses as they are received.
- (f) A proposal which has been rejected may not be reconsidered by way of postal voting until after the following meeting of the Commission, but may be considered at that meeting.

Part III Chair, Vice-Chair and Executive Secretary

Rule 8^{3, 4}

The Commission shall elect from among its Members a Chair and Vice-Chair, each of whom shall serve for a term of two years and shall be eligible for re-election for one additional term. The first Chair shall, however, be elected for an initial term of three years. The Chair and Vice-Chair shall not be representatives of the same Contracting Party.

Rule 9

A person representing a Member of the Commission as its Representative who is elected as Chair shall cease to act as a Representative upon assuming office and, whilst holding this office, shall not act as Representative, Alternate Representative or Adviser at meetings of the Commission.

The Member of the Commission concerned shall appoint another person to replace the one who was hitherto its Representative.

Rule 10

The Chair and Vice-Chair shall take office at the conclusion of the meeting at which they have been elected, except for the first Chair and Vice-Chair who shall take office immediately upon their election.

Rule 11

The Chair shall have the following powers and responsibilities:

- (a) convene the regular and extraordinary meetings of the Commission;

³ Article XIII(4) of the Convention on the Conservation of Antarctic Marine Living Resources.

⁴ Officers of the Commission

Under paragraph 4 of Article XIII of the Convention, the Commission elected from among its Members Australia to be its first Chair and Japan to be its first Vice-Chair. In reaching these decisions the Commission noted the outstanding contribution made by Australia in bringing the Convention into effect, that Australia had acted as host government to the first Antarctic Treaty Consultative Meeting in 1961 and the precedent provided by other international organisations in which the first Chair had been accorded to the host government. Regarding the election of the Chair of the Commission in future, the Commission noted the benefits to be derived from an arrangement which would ensure an automatic election of all Members of the Commission to that office. Therefore it was decided that, after the Australian term, the Chairs would in succession be the Members of the Commission in the order of their names arranged alphabetically in the English language. Furthermore, the Commission agreed that, insofar as was feasible within the arrangement for staggered terms of office foreseen in paragraph 4 of Article XIII, the election as Chair of a Member of the Commission not engaged in research or harvesting activities, should be balanced by the election as Vice-Chair of a Member of the Commission engaged in such activities.

- (b) preside at each meeting of the Commission;
- (c) open and close each meeting of the Commission;
- (d) make rulings on points of order raised at meetings of the Commission, provided that each representative retains the right to request that any such decision be submitted to the Commission for approval;
- (e) put questions and notify the Commission of the results of votes;
- (f) approve a Provisional Agenda for the meeting after consultation with representatives and the Executive Secretary;
- (g) sign, on behalf of the Commission, the reports of each meeting for transmission to its Members, Representatives and other interested persons as official documents of the proceedings; and
- (h) exercise other powers and responsibilities as provided in these rules and make such decisions and give such directions to the Executive Secretary as will ensure that the business of the Commission is carried out effectively and in accordance with its decisions.

Rule 12

Whenever the Chair of the Commission is unable to act, the Vice-Chair shall assume the powers and responsibilities of the Chair. The Vice-Chair shall act as Chair until the Chair resumes his/her duties. Whilst acting as Chair, the Vice-Chair will not act as Representative.

Rule 13

In the event of the office of Chair falling vacant due to resignation or permanent inability to act, the Vice-Chair shall act as Chair until the Commission's next meeting on which occasion a new Chair shall be elected. Until the election of a new Chair, the Vice-Chair will not act as Representative, Alternate Representative or Adviser.

Rule 14⁵

- (a) The Commission shall appoint an Executive Secretary to serve the Commission and Scientific Committee according to such procedures and on such terms and conditions as the Commission may determine. The Executive Secretary shall serve a term of office of four years and shall be eligible for re-appointment.

⁵ Article XVII of the Convention on the Conservation of Antarctic Marine Living Resources.

- (b) The Commission shall authorise such staff establishment for the Secretariat as may be necessary and the Executive Secretary shall appoint, direct and supervise such staff according to such rules, and procedures and on such terms and conditions as the Commission may determine.
- (c) The Executive Secretary and Secretariat shall perform the functions entrusted to them by the Commission.

Part IV Preparation for Meetings

Rule 15

The Executive Secretary shall prepare, in consultation with the Chair, a preliminary agenda for each meeting of the Commission and its subsidiary bodies and shall transmit this preliminary agenda to all Members of the Commission no later than 100 days prior to the beginning of the meeting.

Rule 16

Members of the Commission proposing supplementary items for the preliminary agenda shall inform the Executive Secretary thereof no later than 65 days before the beginning of the meeting and accompany their proposal with an explanatory memorandum.

Rule 17

The Executive Secretary shall prepare, in consultation with the Chair, a provisional agenda for each meeting of the Commission. The provisional agenda shall include:

- (a) all items which the Commission has previously decided to include in the provisional agenda;
- (b) all items the inclusion of which is requested by any Member of the Commission;
- (c) proposed dates for the next regular annual meeting following the one to which the provisional agenda relates.

The Executive Secretary shall transmit to all Members of the Commission, at least 45 days in advance of the Commission's meeting, the provisional agenda and explanatory memoranda or reports related thereto.

Rule 18

The Executive Secretary shall:

- (a) make all necessary arrangements for meetings of the Commission and its subsidiary bodies;
- (b) issue invitations to all such meetings to Members of the Commission and to such states and organisations as are to be invited in accordance with Rule 30;
- (c) take all the necessary steps to carry out the instructions and directions given by the Chair.

Part V Conduct of Business at Meetings

Rule 19

The Chair shall exercise the powers of the office in accordance with customary practice and shall ensure the observance of the Rules of Procedure and the maintenance of proper order. The Chair, in the exercise of these functions, shall remain under the authority of the meeting.

Rule 20

No representative may address the meeting without having previously obtained the permission of the Chair. The Chair shall call upon speakers in the order in which they signify their desire to speak. The Chair may call a speaker to order if that speaker's remarks are not relevant to the subject under discussion.

Rule 21

The Chair or Vice-Chair of the Scientific Committee may attend all meetings of the Commission. They shall be entitled to present the report of the Scientific Committee to the Commission and to address the Commission with regard to it. The Commission shall take full account of the reports of the Scientific Committee.

Rule 22

Proposals and amendments shall normally be submitted in writing to the Executive Secretary, who shall circulate copies to all delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Commission unless copies have been distributed to all delegations in all of the Commission's languages a reasonable time in advance. The Chair may, however, permit the discussion and consideration of proposals even though such proposals have not been circulated.

Rule 23

As a general rule proposals which have been rejected may not be reconsidered until the next meeting of the Commission.

Rule 24

A representative may at any time make a point of order and the point of order shall be decided immediately by the Chair in accordance with the Rules of Procedure. A representative may appeal against the ruling of the Chair. The appeal shall be put to a vote immediately and the Chair's ruling shall stand if upheld by a majority of the representatives present and voting. A representative making a point of order shall not speak on the substance of the matter under discussion. A point of order made during voting may concern only the conduct of the vote.

Rule 25

The Chair may limit the time allotted to each speaker and the number of times a speaker may speak on any subject.

In the event that a speaker has spoken for the allotted time, the Chair shall draw this to the speaker's attention and propose that the speech be discontinued.

Rule 26

A representative may at any time move the suspension or the adjournment of the session. Such motions shall not be debated, but shall be put to the vote immediately. The Chair may limit the time to be allowed to each speaker putting such a motion.

Rule 27

A representative may at any time move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against the motion, after which the motion shall be put to the vote immediately. The Chair may limit the time to be allowed to speakers.

Rule 28

A representative may at any time move the closure of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak against the motion, after which the motion shall be put to the vote immediately. If the meeting is in favour

of the closure, the Chair shall declare the closure of the debate and a decision shall be taken immediately on the item under discussion. The Chair may limit the time to be allowed to speakers under this rule.

Rule 29

Subject to Rule 24 the following motions shall have precedence in the following order over all other proposals or motions before the session:

- (a) to suspend the session;
- (b) to adjourn the session;
- (c) to adjourn the debate on the item under discussion;
- (d) for the closure of the debate on the item under discussion.

Part VI Observers

Rule 30

Subject to Article XII of the Convention on the Conservation of Antarctic Marine Living Resources the Commission may:

- (a) extend an invitation to any signatory of the Convention to participate, in accordance with Rules 32, 33 and 34 below, as Observers in meetings of the Commission;
- (b)⁶ extend an invitation to any State party to the Convention which is not a Member of the Commission to attend, in accordance with Rules 32, 33 and 34 below, as Observers in meetings of the Commission;
- (c) invite as appropriate, any other state to attend, in accordance with Rules 32, 33 and 34 below, as Observers in the meetings of the Commission unless a Member of the Commission objects;
- (d) invite, as appropriate, organisations named in Article XXIII(2) and (3) of the Convention to attend, in accordance with Rules 32, 33 and 34 below, as Observers in the meetings of the Commission;
- (e) invite, as appropriate, other intergovernmental and non-governmental organisations, to which Article XXIII(3) of the Convention may apply, to attend in accordance with Rules 32, 33 and 34 below, as Observers in the meetings of the Commission unless a Member of the Commission objects.

⁶ Amended at CCAMLR-XIII (paragraph 13.11).

Rule 31⁷

Each Observer invited in accordance with Rule 30 above shall notify the Executive Secretary as far as possible in advance of any meeting of the name of its representative and before or at the beginning of the meeting the names of its alternate representatives and advisers.

Rule 32

- (a) The Executive Secretary may, when preparing with the Chair the preliminary agenda for a meeting of the Commission, draw to the attention of Members of the Commission the Executive Secretary's view that the work of the Commission would be facilitated by the attendance at its next meeting of an Observer referred to in Rule 30, an invitation to which was not considered at the previous meeting. The Executive Secretary shall so inform Members of the Commission when transmitting to them the preliminary agenda under Rule 15.
- (b) The Chair shall request the Commission to take a decision on the Executive Secretary's suggestion in accordance with Rule 7 and the Executive Secretary shall so inform Members of the Commission when transmitting to them the provisional agenda under Rule 17.

Rule 33

- (a) Observers may be present at public and private sessions of the Commission.
- (b)⁸ If a Member of the Commission so requests, sessions of the Commission at which a particular agenda item is under consideration shall be restricted to its Members and Observers referred to in Rule 30(a) and Rule 30(b). With respect to any session so restricted, the Commission may also agree to invite Observers referred to in Rule 30(c).

Rule 34

- (a) The Chair may invite Observers to address the Commission unless a Member of the Commission objects;
- (b) Observers are not entitled to participate in the taking of decisions.

⁷ Adopted at CCAMLR-XXIV (paragraph 20.6). Subsequent rules were renumbered accordingly.

⁸ Amended at CCAMLR-XIII (paragraph 13.10) and CCAMLR-XVII (paragraph 16.2).

Rule 35

- (a) Observers may submit documents to the Secretariat for distribution to Members of the Commission as information documents. Such documents shall be relevant to matters under consideration in the Commission.
- (b) Unless a Member or Members of the Commission request otherwise such documents shall be available only in the language or languages and in the quantities in which they were submitted.
- (c) Such documents shall only be considered as Commission documents if so decided by the Commission.

Part VII Subsidiary bodies

Rule 36

The Commission may determine the composition and terms of reference of any subsidiary body established by it. Insofar as they are applicable, these Rules of Procedure shall apply to any subsidiary body of the Commission unless the Commission decides otherwise.

Part VIII Languages

Rule 37

The official and working languages of the Commission shall be English, French, Russian and Spanish.

Part IX Reports and notifications

Rule 38

Reports of meetings of the Commission shall be prepared by the Executive Secretary as required by the Commission before the end of each meeting. A draft report of such meetings shall be considered by the Commission before it is adopted at the end of the meeting. The Executive Secretary shall transmit reports of meetings of the Commission to all Members of the Commission, and to Observers which have attended the meeting, as soon as possible after the meeting.

Rule 39

The Executive Secretary shall:

- (a) notify each Member of the Commission immediately after each meeting of all decisions, measures or recommendations made or adopted by the Commission;

- (b) notify each Member of the Commission of any notification by a Member of the Commission pursuant to Article IX(6) of the Convention that it is unable to accept any conservation measure, in whole or in part, adopted by the Commission or of the withdrawal of any such notification.

Rules of Procedure of the Scientific Committee

Rules of Procedure of the Scientific Committee¹

Part I Representatives and Invited Scientists and Experts

Rule 1

Each Member of the Commission shall be a Member of the Scientific Committee and shall appoint a representative with suitable scientific qualifications, who may be accompanied by other experts and advisers.

Each Member of the Commission shall notify the Executive Secretary as early as possible before each meeting of the Scientific Committee of the name of its representative and before or at the beginning of the meeting the names of its experts and advisers.

Rule 2

The Scientific Committee may seek the advice of other scientists and experts as may be required on an *ad hoc* basis.

Such scientists and experts may submit documents and participate in discussions on the questions for which they were invited, but do not participate in the taking of decisions.

In cases when an invitation to such scientists and experts has financial implications for the Commission not provided for in its budget, such an invitation should require approval of the Commission.

Part II Conduct of Business

Rule 3

Scientific recommendations and advice to be provided by the Scientific Committee pursuant to the Convention shall normally be determined by consensus.

Where consensus cannot be achieved, the Committee shall set out in its report all views advanced on the matter under consideration.

Reports of the Scientific Committee to the Commission shall reflect all the views expressed at the Committee on the matters discussed.

¹ As adopted at SC-CAMLR-II (paragraph 8) and approved at CCAMLR-II (paragraph 10); amended at SC-CAMLR-III (paragraph 4.3) and approved at CCAMLR-III (paragraph 65); amended at SC-CAMLR-X (paragraph 2.2) and approved at CCAMLR-X (paragraph 4.6); amended at SC-CAMLR-XXV (paragraph 15.18) in accordance with CCAMLR-XXIV, paragraph 20.6, and subject to the decision of SC-CAMLR-XXIV (paragraph 13.56); amended at SC-CAMLR-40 (paragraph 7.2) and approved at CCAMLR-40 (paragraph 5.3).

If a Member or group of Members in the Committee so wishes, additional views of that Member or group of Members on any particular questions may be submitted directly to the Commission.

Where the Committee takes decisions, it will do so in accordance with Article XII of the Convention.

Part III Meetings

Rule 4

The Committee shall meet as often as may be necessary to fulfil its functions.

Regular meetings of the Committee normally shall be held once a year at the Headquarters of the Commission, unless it decides otherwise.

Rule 5

The Chair shall prepare in consultation with the Executive Secretary a preliminary agenda for each meeting of the Committee. The Executive Secretary shall distribute the preliminary agenda to all Members of the Committee no later than 100 days prior to the beginning of the meeting.

The Executive Secretary, in consultation with the Chair of both the Scientific Committee and of the subsidiary body, shall prepare and distribute a preliminary agenda before each meeting of that body.

Rule 6

Members of the Committee proposing supplementary items for the preliminary agenda shall inform the Executive Secretary thereof no later than 65 days before the beginning of the meeting and accompanying their proposal with an explanatory memorandum.

Rule 7

The Executive Secretary shall prepare, in consultation with the Chair, a provisional agenda for each meeting of the Committee. The provisional agenda shall include:

- (a) all items which the Committee has previously decided to include in the provisional agenda;
- (b) all items the inclusion of which is requested by any Member of the Committee;
- (c) proposed dates for the next regular annual meeting following the one to which the provisional agenda relates.

The Executive Secretary shall transmit to all Members of the Committee, at least 45 days in advance of the Committee's meeting, the provisional agenda and explanatory memoranda or reports related thereto.

Part IV Chair and Vice-Chairs

Rule 8

The Committee shall elect a Chair and two or more Vice-Chairs on the basis of procedures referred to in Rule 3 above. The Chair and Vice-Chairs shall be elected for a term which shall include two regular meetings, as defined in the second sentence of Rule 4, except in the case of the first Chair who shall be elected for a term of office which shall include three regular meetings to ensure that the terms of office of the Chair and Vice-Chairs shall be staggered.

The Chair and Vice-Chairs shall not be re-elected to their post for more than one term. The Chair and Vice-Chairs shall not be representatives of the same Contracting Party.

Rule 9

Amongst other duties, the Chair shall have the following powers and responsibilities:

- (a) convene, open, preside at, and close each meeting of the Committee;
- (b) make rulings on points of order raised at meetings of the Committee, provided that each representative retains the right to request that any such decision be submitted to the Committee for approval;
- (c) put questions and notify the Committee of the results of votes;
- (d) approve a provisional agenda for the meeting after consultation with representatives and the Executive Secretary;
- (e) sign, on behalf of the Committee, the reports of each meeting for transmission to its Members, representatives and other interested persons as official documents of the proceedings;
- (f) present the report of the Scientific Committee to the Commission; and
- (g) exercise other powers and responsibilities as provided in these rules and make such decisions and give such directions to the Executive Secretary as will ensure that the business of the Committee is carried out effectively and in accordance with its decisions.

Rule 10

Whenever the Chair is unable to act, the Vice-Chairs shall assume the powers and responsibilities of the Chair.

Rule 11

In the event of the office of the Chair falling vacant between meetings, the Vice-Chairs shall exercise the powers and perform the duties of the Chair until a new Chair is elected.

Rule 12

The Chair and Vice-Chairs shall commence the fulfilment of their obligations at the conclusion of the meeting of the Committee at which they have been elected, with the exception of the first Chair and Vice-Chairs who shall take office immediately upon their election.

Part V Subsidiary Bodies

Rule 13

The Committee shall establish, with the approval of the Commission, such subsidiary bodies as it deems necessary for the performance of its functions and determine their composition and terms of reference.

Where applicable, subsidiary bodies shall operate on the basis of the Rules of Procedure of the Committee.

Part VI Program of Work

Rule 14

At each annual meeting the Scientific Committee shall submit to the Commission an estimate of the budget required for the work of the Scientific Committee for the forthcoming year with a forecast for the subsequent year.

Part VII Secretariat

Rule 15

As a general rule, the Committee and its subsidiary bodies shall make use of the facilities of the Secretariat for the fulfilment of their functions.

Part VIII Languages
Rule 16

The official and working languages of the Committee shall be English, French, Russian and Spanish.

Part IX Records and Reports
Rule 17

At each meeting, the Committee shall prepare, and immediately thereafter transmit, a report to the Commission in accordance with Rule 3. Such report shall summarise the discussions of the Committee. The report shall include and provide the rationale for all findings and recommendations and shall include any minority reports provided to the Chair. A copy of the report shall be transmitted to Members of the Committee.

Rule 18

The Executive Secretary shall present as soon as possible to the Members of the Scientific Committee brief records of each plenary session, of every meeting of all subsidiary bodies, and of reports, resolutions, recommendations and other decisions taken.

Part X Observers
Rule 19

Subject to Article XII of the Convention on the Conservation of Antarctic Marine Living Resources, the Scientific Committee may:

- (a) extend an invitation to any State party to the Convention which is not entitled to be a Member of the Commission under Article VII of the Convention to attend, in accordance with Rules 21, 22 and 23 below, as Observers in meetings of the Scientific Committee;
- (b) invite, as appropriate, any other State to attend, in accordance with Rules 21, 22 and 23 below, as Observers in the meetings of the Scientific Committee unless a Member of the Scientific Committee objects;
- (c) invite, as appropriate, organisations named in Article XXIII(2) and (3) of the Convention to attend, in accordance with Rules 21, 22 and 23 below, as Observers in the meetings of the Scientific Committee;
- (d) invite, as appropriate, other intergovernmental and non-governmental organisations, to which Article XXIII(3) of the Convention may apply, to attend in accordance with Rules 21, 22 and 23 below, as Observers in the meetings of the Scientific Committee unless a Member of the Scientific Committee objects;

- (e) the Scientific Committee may also invite Observers, in accordance with Rules 19(a) to (d), to the meetings of any subsidiary body of the Committee.

Observers invited under this rule shall have appropriate scientific qualifications.

Rule 20

Each Observer invited in accordance with Rule 19 above shall notify the Executive Secretary as early as possible before any meeting of the name of its representative and before or at the beginning of the meeting the names of its experts and advisers.

Rule 21²

- (a) The Chair may, when preparing with the Executive Secretary the preliminary agenda for a meeting of the Scientific Committee, draw to the attention of Members of the Scientific Committee the Chair's view that the work of the Scientific Committee would be facilitated by the attendance at its next meeting of an Observer referred to in Rule 19, an invitation to which was not considered at the previous meeting. The Executive Secretary shall so inform Members of the Scientific Committee when transmitting to them the Preliminary Agenda under Rule 5.
- (b) Unless a Member of the Committee objects to the participation of an Observer no later than 65 days before the beginning of the next meeting, the Executive Secretary shall issue to that Observer an invitation to the next meeting of the Scientific Committee. The Executive Secretary will so inform Members of the Scientific Committee when transmitting to them the Provisional Agenda under Rule 7. An objection by a Member of the Committee in accordance with this rule shall be considered at an early point during the next meeting of the Committee.

Rule 22

If a Member of the Committee so requests, sessions of the Committee at which a particular agenda item is under consideration shall be restricted to Members of the Committee.

Rule 23

- (a) The Chair may invite Observers to address the Committee unless a Member of the Committee objects;
- (b) Observers are not entitled to participate in the taking of decisions.

² Amended at SC-CAMLR-XXIX (paragraph 15.17).

Rule 24

- (a) Observers may submit documents to the Secretariat for distribution to Members of the Committee as information documents. Such documents shall be relevant to matters under consideration in the Committee.
- (b) Unless a Member or Members of the Committee request otherwise such documents shall be available only in the language or languages and in the quantities in which they were submitted.
- (c) Such documents shall only be considered as Committee documents if so decided by the Committee.

Establishment of the Standing Committee
on Administration and Finance (SCAF)

Establishment of the Standing Committee on Administration and Finance (SCAF)

The Standing Committee on Administration and Finance (SCAF) was established by the Commission as follows¹:

1. The Commission for the Conservation of Antarctic Marine Living Resources hereby establishes in accordance with Article XIII(6) of the Convention a Standing Committee on Administration and Finance (SCAF).
2. The Commission shall elect from among its Members a Chairman of the Standing Committee who shall serve for a term of two years and shall be eligible for re-election for one additional term.
3. The Standing Committee shall advise the Commission on such matters of an administrative and financial character as are remitted to it by the Commission and shall annually:
 - (a) examine the audited financial statement of the Commission for the previous year;
 - (b) examine the operation of the budget for the current year; and
 - (c) examine the draft budget for the ensuing year.
4. The Standing Committee may draw to the attention of the Commission any matter of an administrative or financial character.
5. The Standing Committee may appoint from amongst its members a smaller, informal group to give preliminary consideration, in consultation with the Executive Secretary, to matters before it.
6. The Standing Committee shall prepare a report of each meeting of the Committee for transmission to the Commission.

¹ As adopted at CCAMLR-II (paragraph 13) and amended at CCAMLR-XI (paragraph 3.23).

Financial Regulations

Financial Regulations¹

Regulation 1 **Applicability**

1.1 These Regulations shall govern the financial administration of the Commission for the Conservation of Antarctic Marine Living Resources (hereinafter referred to as ‘the Commission’) and the Scientific Committee for the Conservation of Antarctic Marine Living Resources (hereinafter referred to as ‘the Scientific Committee’) established under Articles VII(1) and XIV(1) of the Convention on the Conservation of Antarctic Marine Living Resources (hereinafter referred to as ‘the Convention’).

Regulation 2 **Financial year**

2.1 The financial year shall be for 12 months commencing 1 January and ending 31 December, both dates inclusive.

Regulation 3 **The budget**

3.1 A draft budget comprising estimates of receipts by the Commission and of expenditures by the Commission and the Scientific Committee and any subsidiary bodies established pursuant to Articles XIII(6) and XVI(3) of the Convention shall be prepared by the Executive Secretary for the ensuing financial year.

3.2 The draft budget shall include a statement of the significant financial implications for subsequent financial years in respect of any proposed work programs presented in terms of administrative, recurrent and capital expenditure.

3.3 The draft budget shall be divided by functions into items and, where necessary or appropriate, into sub-items.

3.4 The draft budget shall be accompanied by details both of the appropriations made for the previous year and estimated expenditure against those appropriations, together with such information annexures as may be required by Members of the Commission or deemed necessary or desirable by the Executive Secretary. The precise form in which the draft budget is to be presented shall be prescribed by the Commission.

3.5 The Executive Secretary shall submit the draft budget to all Members of the Commission at least 60 days prior to the annual meeting of the Commission, as provided for in

¹ As adopted at CCAMLR-I (paragraph 23) and amended at CCAMLR-XIII (Annex 4, Appendix 1), CCAMLR-XVII (Annex 4, Appendix III), CCAMLR-XVIII (paragraph 3.5; Annex 4, paragraph 38), CCAMLR-XXI (Annex 4, paragraph 23), CCAMLR-XXX (Annex 5, paragraph 22), CCAMLR-XXXI (Annex 7, paragraph 4.15), CCAMLR-XXXVII (Annex 7, paragraphs 20 to 26) and CCAMLR-42 (paragraph 10.8).

Article XIX(2) of the Convention. At the same time, and in the same form as the draft budget, he shall prepare and submit to all Members of the Commission a forecast budget for the subsequent financial year.

3.6 The draft budget and the forecast budget shall be presented in Australian dollars.

3.7² At each annual meeting, the Commission shall adopt by consensus its budget and the budget of the Scientific Committee.

Regulation 4

Appropriations

4.1 The appropriations adopted by the Commission shall constitute an authorisation for the Executive Secretary to incur obligations and make payments for the purposes for which the appropriations were adopted.

4.2 Unless the Commission decides otherwise, the Executive Secretary may also incur obligations against future years before appropriations are adopted when such obligations are necessary for the continued effective functioning of the Commission, provided such obligations are restricted to administrative requirements of a continuing nature not exceeding the scale of such requirements as authorised in the budget of the current financial year. In other circumstances the Executive Secretary may incur obligations against future years only as authorised by the Commission.

4.3 Appropriations shall be available for the financial year to which they relate. At the end of the financial year all appropriations shall lapse. Commitments remaining undischarged against previous appropriations at the end of a financial year shall be carried over and be included in the budget for the next financial year, unless the Commission otherwise decides.

4.4 The Chairman may authorise the Executive Secretary to make transfers of up to 10 per cent of appropriations between items. The Chairman of the Standing Committee on Administration and Finance may authorise the Executive Secretary to make transfers of up to 10 per cent of appropriations between categories within expenditure items. The Executive Secretary may authorise the transfer of up to 10 per cent of appropriations between expenditure items. All transfers must be reported by the Executive Secretary to the next annual meeting of the Commission.

4.5 The conditions under which unforeseen and extraordinary expenses may be incurred, as agreed by the Commission, are provided in Annex 1 to the Financial Regulations.

Regulation 5

Provision of funds

5.1 Each Member of the Commission shall contribute to the budget in accordance with Article XIX(3) of the Convention.

² Article XIX(1) of the Convention on the Conservation of Antarctic Marine Living Resources.

5.2 Staff Assessment Levy paid by an employee of the Commission shall be regarded by the Commission as payment towards the annual budget contribution for the year.

5.3 On approval of the budget for a financial year, the Executive Secretary shall send a copy of that budget to all Members of the Commission notifying them of their contributions and requesting them to remit their contributions due. A Member of the Commission that fails to pay its contributions for two consecutive years shall not, during the period of its default, have the right to participate in the taking of decisions in the Commission.

5.4 All contributions shall be made in Australian dollars.

5.5 (a) A new Member of the Commission whose membership becomes effective during the first six months of the financial year shall be liable to pay the full amount of the annual contribution which would have been payable had it been a Member of the Commission when assessments were made under Article XIX(3) of the Convention. A new Member whose membership becomes effective during the last six months of the financial year, shall be liable to pay half of the amount of the annual contribution referred to above;

(b) Where contributions are received from new Members the contributions of existing Members shall be adjusted in accordance with Regulation 6.1(d).

5.6 Contributions shall be due for payment on the first day of the financial year, 1 January (i.e. the due date). Contributions shall be paid not later than 31 May (extended period of payment), recognising that submission of payments later in the extended period of payment may impact the Secretariat's ability to meet its financial obligations. However, in the case referred to in Regulation 5.5(a), contributions by a new Member shall be made within 90 days following the date on which its membership becomes effective.

5.7 The Executive Secretary shall report to each meeting of the Commission on the receipt of the contributions and the position of arrears.

Regulation 6

Funds

- 6.1 (a) There shall be established a General Fund for the purpose of accounting for the income and expenditure of the Commission and Scientific Committee and any subsidiary bodies established pursuant to the Convention;
- (b) Contributions paid by Members under Regulation 5.1 and miscellaneous income to finance general expenditure shall be credited to the General Fund;
- (c) Any cash surplus in the General Fund at the close of a financial year that is not required to meet undischarged commitments in terms of Regulation 4.3 shall be transferred to the Working Capital Fund (WCF) until the WCF reaches the cap of 3 months of annual budgeted expenditure. After transfers to the WCF, a balance above A\$100 000 in the General Fund at year end shall, if decided by the

Commission, be divided in proportion to the contributions made by existing Members under Regulation 5.1 in the current financial year and used to offset such Members' contributions for the ensuing financial year;

- (d) Where contributions are received from new Members after the commencement of the financial year and such funds have not been taken into account in formulating the budget, appropriate adjustment shall be made to the level of the assessed contributions of existing Members and such adjustments recorded as advances made by such Members;
- (e) Advances made by Members shall be carried to the credit of the Members which have made such advances.

6.2 Trust and Special Funds may be established by the Commission for the purpose of receiving funds and making payments for purposes not covered by the regular budget of the Commission.

Regulation 7

Other income

7.1 All income other than contributions to the budget under Regulation 5 and that referred to in Regulation 7.3 below, shall be classified as Miscellaneous Income and credited to the General Fund. The use of Miscellaneous Income shall be subject to the same financial controls as activities financed from regular budget appropriations.

7.2 Voluntary contributions above and beyond Members' budget contributions may be accepted by the Executive Secretary provided that the purposes for which the contributions are made are consistent with the policies, aims and activities of the Commission. Voluntary contributions offered by non-Members may be accepted, subject to agreement by the Commission that the purposes of the contribution are consistent with the policies, aims and activities of the Commission.

7.3 Voluntary contributions shall be treated as Trust or Special Funds under Regulation 6.2.

Regulation 8

Custody of funds

8.1 The Executive Secretary shall designate institutions in Australia in which the funds of the Commission shall be kept and shall report the identity of the institutions so designated to the Commission.

8.2 The Executive Secretary may make investments of moneys not needed for the immediate requirements of the Commission. Such investments shall be in accordance with the Investment principles at Annex 2. Income derived from investments shall be reported in the documents supporting the budget.

8.3 Income derived from investments shall be credited to the Fund from which the investment was made with the exception of the WCF where interest earned on this fund will be credited to the General Fund.

Regulation 9

Internal control

9.1 The Executive Secretary shall:

- (a) establish detailed financial rules and procedures in accordance with the Investment Principles at Annex 2 to ensure effective financial administration and the exercise of economy in the use of funds;
- (b) cause all payments to be made on the basis of supporting vouchers and other documents which ensure that the goods or services have been received and that payment has not previously been made;
- (c) designate officers who may receive moneys, incur obligations and make payments on behalf of the Commission; and
- (d) maintain and be responsible for internal financial control to ensure:
 - (i) the regularity of the receipt, custody and disposal of all funds and other financial resources of the Commission;
 - (ii) the conformity of obligations and expenditures with the appropriations adopted by the annual meeting; and
 - (iii) the economic use of the resources of the Commission.

9.2 No obligations shall be incurred until allotments or other appropriate authorisations have been made in writing under the authority of the Executive Secretary.

9.3 The Executive Secretary may propose to the Commission, after full investigation by him, the writing off of losses of assets, provided that a statement of all such amounts written off is submitted to the auditor with the accounts together with the justification for the write-off. Such losses shall be included in the annual accounts.

9.4 Tenders in writing for equipment, supplies and other requirements shall be invited by advertisement, or by direct requests from at least three persons or firms able to supply the equipment, supplies, or other requirements, if such exist, in connection with all purchases or contracts, the amounts of which exceed A\$50 000. For amounts exceeding A\$10 000 and less than A\$50 000, written quotations will be sought from at least three persons or firms able to supply the equipment, supplies, or other requirements. For amounts exceeding A\$2 000 and less than A\$10 000, quotes shall be obtained either by the above means or by telephone, internet or personal enquiry. The foregoing rules, shall, however, not apply in the following cases:

- (a) where it has been ascertained that only a single supplier exists and that fact is so certified by the Executive Secretary;

- (b) in case of emergency, or where, for any other reason, these rules would not be in the best financial interests of the Commission, and that fact is so certified by the Executive Secretary.

Regulation 10

The accounts

10.1 The Executive Secretary shall ensure that appropriate records and accounts are kept of the transactions and affairs of the Commission and shall do all things necessary to ensure that all payments out of the Commission's moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Commission and over the incurring of liabilities by the Commission.

10.2 The Executive Secretary shall submit to the Members of the Commission, not later than 31 March immediately following the end of the financial year, annual financial statements showing, for the financial year to which they relate:

- (a) the income and expenditure relating to all funds and accounts;
- (b) the situation with regard to budget provisions, including:
 - (i) the original budget provisions;
 - (ii) the approved expenditure in excess of the original budget provisions;
 - (iii) any other income;
 - (iv) the amounts charged against these provisions and other income;
- (c) the financial assets and liabilities of the Commission;
- (d) details of investments;
- (e) losses of assets proposed in accordance with Regulation 9.3.

The Executive Secretary shall also give such other information as may be appropriate to indicate the financial position of the Commission. These financial statements shall be prepared in a form approved by the Commission after consultation with the external auditor.

10.3 The Executive Secretary shall submit to all Members of the Commission, not later than 10 working days following the end of each financial quarter (being 31 March, 30 June, 30 September, 31 December), interim financial reports showing:

- (a) income (including interest income) and expenditures relating to all funds and accounts;
- (b) the status and performance of investments; and
- (c) other advice or information the Executive Secretary considers relevant pertaining to the financial management of the Commission.

10.4 The Executive Secretary will inform Members of significant or unforeseen financial events, particularly where such events may have substantial impact on the current or future financial position of the Commission, as soon as possible from when the Executive Secretary becomes aware of such events.

10.5 The accounting transactions of the Commission shall be recorded in the currency in which they took place but the annual financial statements shall record all transactions in Australian dollars.

10.6 Appropriate separate accounts shall be kept for all Special and Trust Funds.

10.7 The annual financial statements shall be submitted by the Executive Secretary to the external auditor in accordance with Article XIX(4) of the Convention at the same time as they are submitted to Members of the Commission under paragraph 2 of this Regulation.

Regulation 11

External audit

11.1 The Commission shall appoint an external auditor who shall be the Auditor-General or equivalent statutory authority from a Member of the Commission and shall serve for a term of two years with the possibility of re-appointment. The Commission will ensure respect for the external auditor's independence of the Commission, the Scientific Committee, their subsidiary bodies and the Commission's staff, fix the terms of office, and appropriate funds to the external auditor to meet the costs of the audit.

11.2 The external auditor or a person or persons authorised by him shall be entitled at all reasonable times to full and free access to all accounts and records of the Commission relating directly or indirectly to the receipt or payment of moneys by the Commission or to the acquisition, receipt, custody or disposal of assets by the Commission. The external auditor or a person or persons authorised by him may make copies of or take extracts from any such accounts or records.

11.3 Full audits of the Commission's Financial Statement shall be conducted annually. In performing a full audit, the external auditor shall conduct his examination of the statements in conformity with generally accepted auditing standards and shall report to the Commission on all relevant matters, including:

- (a) whether, in his opinion, the statements are based on proper accounts and records; and
- (b) whether the statements are in agreement with the accounts and records.

11.4 The Commission may also seek of the auditor a separate report on other relevant matters, including:

- (a) whether, in his opinion, the income, expenditure and investment of moneys and the acquisition and disposal of assets by the Commission during the year have been in accordance with these Regulations; and
- (b) observations with respect to the efficiency and economy of the financial procedures and the conduct of business, the accounting system, internal financial controls and the administration and management of the Commission.

11.5 The Executive Secretary shall provide the external auditor with the facilities he may require in the performance of the audit.

11.6 The Executive Secretary shall provide to the Members of the Commission a copy of the audit report and the audited financial statements within 30 days of their receipt.

11.7 The Commission shall, if necessary, invite the external auditor to attend discussions on any item under scrutiny and consider recommendations arising out of his findings.

Regulation 12

Acceptance of annual financial statements

12.1 The Commission shall, following consideration of the audited annual financial statements and audit report submitted to its Members under Regulation 11.5 of these Regulations, signify its acceptance of the audited annual financial statements or take such other action as it may consider appropriate.

Regulation 13

Insurance

13.1 The Commission may take out suitable insurances with a reputable financial institution against normal risks to its assets.

Regulation 14

General provision

14.1 Subject to the provisions of the Convention, these Regulations may be amended by the Commission in accordance with its Rules of Procedure.

14.2 Where the Commission or the Scientific Committee is considering matters which may lead to a decision which has financial or administrative implications, it shall have before it an evaluation of those implications from the Executive Secretary.

Rules of Procedure for the Working Capital Fund

Working Capital Fund Terms of Reference

1. These Terms of Reference will be implemented in conjunction with the other financial regulations and policies of the Commission and are intended to support the goals and strategies contained in those related regulations and policies and in strategic and operational plans. These Working Capital Fund (WCF) Terms of Reference will be reviewed regularly every four years and adjusted in response to internal and external changes.

2. The purpose of the WCF is to build and maintain an adequate level of funds to support the organisation's day-to-day operations in the event of cash flow shortfalls. Its functions are to:

- (i) accommodate normal operating expenditures prior to the receipt of contributions from Members of the Commission and, in particular, late payment of contributions by Members
- (ii) replace the previously held Contingency Fund which provided funds for extraordinary or unforeseen expenditure.

The WCF is not intended to replace a permanent loss of funds or eliminate an ongoing budget gap.

Establishment and use

3. The WCF will be recorded in the Commission's books of account and financial statements as the Working Capital Fund. The WCF will be funded and available in cash. The WCF will be invested in accordance with the Financial Regulations.

4. The minimum amount to be held in the WCF will be established in an amount sufficient to maintain ongoing operations and programs for a set period, measured in months. The target minimum for the WCF is A\$1 350 000 or any other value decided by the Commission from time to time, or three (3) months of average recurring operating costs, whichever is the lower. This calculation will be based on yearly total budgeted expenditure in the General Fund as approved by the Commission at its annual meeting. The WCF target minimum will be calculated each year after the approval of the annual budget. These reserves will be reported to the Commission and included in the annual financial reports. Each year, after the approval of the operating budget, the WCF will be adjusted to maintain the three months' balance.

5. The WCF will be established with a transfer from the General Fund. The Commission may, from time to time, direct that a specific source of revenue be set aside for the WCF, for example, the Member contribution from a new Member. Voluntary contributions may also be directed to the WCF.

6. The Executive Secretary will identify the need for access to the WCF and confirm that the use is consistent with the purpose of the reserves as described herein. Any use of the WCF will be reported to the Commission at its yearly meeting and include the use of any funds drawn down and plans for replenishment of the WCF.

7. The interest earned on the WCF will remain in the General Fund accounts.

Cash flow management

8. In line with its primary function, funds from the WCF will be available to the General Fund for cash flow management, in particular when there are late payments of Member contributions. The Executive Secretary may incur obligations against the WCF, without prior approval of the Commission, when such obligations are necessary for the continued effective functioning of the Commission. These withdrawals will be confined to approved budgetary expenditure and will be reimbursed from the General Fund as soon as possible.

Unforeseen and extraordinary expenditure

9. The WCF may also be used for necessary expenditure which has not yet been specifically authorised by the Commission. The following definitions are agreed by the Commission for unforeseen and extraordinary expenditure:

- (i) 'Unforeseen expenditure' is expenditure of which the Commission had been unaware at the time of its previous meeting, but which is necessary for the fulfilment of tasks required by the Commission to be performed, with the extra amount not being possible to subsume into the annual budget without inordinate disruption of the Commission's work.
- (ii) 'Extraordinary expenditure' is expenditure the nature of which was known by the Commission at its previous meeting, but the extent of which is far greater than had been anticipated at that time, with the extra amount not being possible to subsume into the annual budget without inordinate disruption of the Commission's work.

10. The following procedures should be applied in the event of unforeseen and extraordinary expenditure:

- (i) As soon as the Executive Secretary believes that there is a reasonable expectation of unforeseen or extraordinary expenditure, he/she will consult with the Chair of the Commission to confirm that:
 - (a) the nature of the expenditure complies with the above definitions;
 - (b) the WCF has sufficient capacity to cover the expenditure; and
 - (c) it is not possible to defer the decision on the use of the Fund until the next meeting of the Commission.

- (ii) Should the total of proposed expenditure be less than 10% of the balance of the WCF, the Chair may approve its payment.
- (iii) If the expenditure is greater than 10% of the balance of the WCF, the following procedures will apply:
 - (a) The Executive Secretary will advise all Members of any intended use of the Fund.
 - (b) Any Member that considers such expenditure from the Fund to be inappropriate shall advise the Chair accordingly, including any proposal for alternative action.
 - (c) The Commission Chair shall consult with the SCAF Chair and the Executive Secretary. If the three parties agree with the Member's advice, then this shall be acted upon and Members will be advised accordingly. If the parties fail to come to agreement on the Member's advice, and if time permits, then Members will be asked to decide on the issue in accordance with Rule 7. If there is insufficient time for such a decision, or if Members are unable to reach consensus, then the Executive Secretary, in consultation with the Commission Chair and the SCAF Chair and Vice-Chair, shall determine to what extent to use the Fund.
 - (d) Any actual unforeseen and extraordinary expenditure from the Fund will be advised to Members immediately.

Investment Principles

- (i) The primary consideration in determining the investment strategy for the Commission shall be to safeguard the funds of the Commission. Funds shall be invested in such a way as to place primary emphasis on avoiding the erosion of principal funds while ensuring the liquidity necessary to meet the Commission's cash flow requirements.
- (ii) Investment of moneys not needed for the immediate requirements of the Commission shall be conservative and low risk in nature. Investments shall be restricted to cash equivalents, term deposits and government bonds. Investments that attract a government guarantee shall be limited to terms of not more than 24 months unless otherwise agreed by the Commission. Investments that do not attract a government guarantee shall be restricted to those institutions assessed by the Australian Prudential Regulation Authority (APRA) as an Authorised Deposit-taking Institution (ADI) and shall be limited to terms of not more than 12 months unless otherwise agreed by the Commission.
- (iii) To minimise risk, the investment portfolio of the Commission shall offer diversity across institutions, instruments and maturity dates. Where a government guarantee is available, investments in ADIs other than Australian-owned banks shall be limited to the amount guaranteed.
- (iv) The Executive Secretary will provide quarterly interim financial reports of income (including interest income) and expenditure to Members. The quarterly reports will include a report on the status and performance of investments as well as providing Members with any other relevant advice or information pertaining to the financial management of the Commission.
- (v) The Executive Secretary will inform Members of significant or unforeseen financial events, particularly where such events may have a substantial impact on the current or future financial position of the Commission, as soon as possible from when the Executive Secretary becomes aware of such events.
- (vi) Investments shall be recorded in an investment ledger held by the Secretariat, which shall show all relevant details for each investment, including face value, cost, date of maturity, interest rate, place of deposit, proceeds of sale, income earned and whether the investment attracts a government guarantee.

Staff Regulations

Staff Regulations¹

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¹ As adopted at CCAMLR-XXXI (2012), amended at CCAMLR-XXXVII (2018), CCAMLR-38 (2019) and CCAMLR-42 (2023).

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Staff Regulations

Preamble

1. These Staff Regulations establish the fundamental principles of employment, regulate the working relationships and establish the rights and responsibilities of formally appointed Employees who render their services in, and receive remuneration from, the Secretariat of the Commission for the Conservation of Antarctic Marine Living Resources (hereafter called ‘the Commission’).
2. These Regulations are to be applied giving due regard to the geographical distribution of the Members of the Commission.
3. These Staff Regulations are to be applied giving due regard to Article 5.1 of the Headquarters Agreement between the Commission for the Conservation of Antarctic Marine Living Resources and the Government of Australia, which states ‘that except as provided in the Convention or this [Headquarters] Agreement, the activities of the Commission shall be governed by the laws of Australia’.

Section 1 – General terms and condition of employment for all staff

The following terms and conditions of employment apply to all CCAMLR staff unless otherwise specified.

Regulation 1.1 – Definitions and interpretations

1.1.1 In these Staff Regulations, unless the context otherwise requires:

‘Award-free’ means an employee is not covered by an applicable Modern Award.

‘Basic periodic rate of pay’ means a rate of pay for a period worked that does not include incentive-based payments and bonuses, loadings, monetary allowances, penalty rate or any other similar separately identifiable entitlements.

‘CCAMLR Job Classification System’ is the policy relating to the roles and responsibilities of staff posts at the CCAMLR Secretariat approved by the Commission.

‘CCAMLR Staffing and Salary Strategy’ means the policies and procedures relating to the administration of staff arrangements at the CCAMLR Secretariat approved by the Commission.

‘Chair of the Commission’ means Chair of the Commission.

‘Continuous Service’ means a period during which the employee is employed by CCAMLR but does not include any period (an excluded period) that does not count as service. Periods that do not count as service are:

- (a) any period of unauthorised leave (e.g. when the employee has abandoned his or her employment, or is otherwise absent from work for a period contrary to a direction made by the employer); or
- (b) any period of unpaid leave (e.g. unpaid parental leave or unpaid carer's leave, or unpaid authorised absence such as leave without pay granted by CCAMLR).

'Contract of Employment' means the contract between a CCAMLR employee and the Commission describing the terms and conditions for their employment. As appropriate, the Staff Regulations are an integral element of the Contract of Employment.

'Convention' means the Convention on the Conservation of Antarctic Marine Living Resources.

'Country of origin or former residence' means the country from which the officer was recruited, unless otherwise specified in an officer's Contract of Employment or decided by the Executive Secretary.

'Dependant' means:

- (a) any unsalaried child, who is born of, or adopted by, a staff member, their spouse, or their children, who is below the age of eighteen years and who is dependent on a staff member or their spouse for main and continuing support
- (b) any child fulfilling the conditions laid down in Clause (a) above who is receiving school or university education or vocational training and who is between eighteen and twenty-one years of age in relation to dependency benefits, or between eighteen and twenty-five years of age in relation to education benefits.
- (c) any child as defined above with a disability who is dependent on a staff member or their spouse for main and continuing support
- (d) any other child as defined above who is given a home by, and is dependent on, a staff member or their spouse for main and continuing support
- (e) a secondary dependent as defined in the ICSC System

'Economy class' means, in respect of air travel, economy class or, for flights longer than 9 hours, cost-efficient premium economy class as authorised by the Executive Secretary and in accordance with Secretariat travel policy.

'Employee' means, unless otherwise stipulated, a member of the Secretariat staff categorised under the Commission's Staff Regulations.

'Employer' means the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR).

'Executive Secretary' means the Executive Secretary of the Commission.

‘Expiry date’ means, where applicable, the date on which the agreed term for a Contract of Employment terminates.

‘*Fair Work Act 2009 as amended*’ means the national legislation that regulates workplace relations in Australia.

‘Fair Work Commission’ means the national workplace tribunal established under the *Fair Work Act 2009 as amended*.

‘General Services employee’ means, unless otherwise stipulated, a member of the Secretariat staff as categorised and remunerated under the Commission’s Staff Regulations and the CCAMLR Job Classification System.

‘Headquarters Agreement’ means the agreement between the Commission and the Government of Australia defining the legal capacity, privileges and immunities of the Commission and the privileges and immunities to be enjoyed by the staff of the Commission in Australia in accordance with Article VIII of the Convention.

‘Immediate family’ means for the purpose of personal and compassionate leave only:

- (a) spouse (including a former spouse, a de facto spouse and a former de facto spouse) of the employee. A de facto spouse means a person who lives with the employee as their partner on a bona fide domestic basis, and
- (b) child or an adult child (including an adopted child, a step-child or an ex-nuptial child), parent, grandparent, grandchild or sibling of the employee or spouse of the employee

‘International Professional employee’ means, unless otherwise stipulated, a member of the Secretariat staff as categorised under the Commission’s Staff Regulations and the CCAMLR Job Classification System, remunerated under the ICSC System.

‘ICSC System’ means the system for classifying International Professional employees as established by the International Civil Service Commission (ICSC) and the *United Nations Common System of Salaries, Allowances and Benefits* published annually by the ICSC.

‘Modern Award’ means a set of industry or occupation-based enforceable minimum employment standards.

‘National Employment Standards’ means the National Employment Standards (NES) as contained in Sections 59 to 131 of the *Fair Work Act 2009 as amended*.

‘Pay step’ means the pay step within each classification in respect of a General Services employee or within each classification applicable to officials of the United Nations Secretariat employed in Australia in respect of a Professional Employee, or any other pay step as proposed by the Executive Secretary and agreed by the Commission.

‘Period of employment’ means the number of years and days worked, commencing with the date when the employee took up employment as a staff member of the Secretariat.

‘Relevant industrial instrument’ means an instrument that legally regulates the employment of an employee which may include a modern award, Contract of Employment or the *Fair Work Act 2009 as amended*.

‘Salary rate applicable’ means, in relation to the General Services employee, the CCAMLR pay rate applicable to the classification and pay step whereas in the case of the International Professional employee, the salary rate applicable means that which applies to officials of the United Nations Secretariat employed in Australia, or any other salary rate as agreed by the Commission.

‘Secretariat’ means the Secretariat of the Commission.

‘Serious Misconduct’ means conduct as defined in the ‘*Fair Work Act 2009*’ as amended from time to time or conduct that causes, or risks causing, serious damage to CCAMLR’s reputation, international standing or relationship with the Depository Country.

‘Staff Assessment Levy’ (SAL) means a levy in lieu of, or equivalency to, taxation, the rate set by the International Civil Service Commission of the United Nations, deducted from an employee’s gross fortnightly pay and retained by the Commission.

‘Staff member’ means, unless otherwise stipulated, a member of the Secretariat staff categorised under the Commission’s Staff Regulations.

‘Staff Regulations’ means CCAMLR’s policies and procedures relating to the employment terms and conditions for staff of the CCAMLR Secretariat, approved by the Commission. The Staff Regulations are implemented through the Contract of Employment.

1.1.2 In these Staff Regulations unless the context otherwise requires:

- (a) a reference to a person includes any other entity recognised by law and *vice versa*;
- (b) words importing the singular number include the plural number and *vice versa*;
- (c) words importing one gender include every gender; or
- (d) clause headings are for reference purposes only.

Regulation 1.2 – Duties, obligations and privileges

1.2.1 Members of the staff of the Secretariat, and the Executive Secretary (hereafter called ‘staff members or employees’) are international civil servants. Upon accepting their appointments, they pledge themselves to discharge their duties faithfully and to conduct themselves with the interests of the Commission in mind.

1.2.2 The employee shall not, except as authorised in writing by the Executive Secretary or as necessarily required by the employee’s duties, reveal to any person any information concerning the organisation, business, finances, transactions or affairs of the Commission, its Members or the Secretariat which may come to the employee’s knowledge during the

employee's employment by the Commission and shall keep with complete secrecy all confidential information entrusted to the employee or of which the employee may become aware during the course of the employee's employment. These restrictions shall continue to apply after the termination of the employee's employment. These restrictions do not apply to the extent to which information comes into the public domain.

1.2.3 The employee shall conduct themselves in a manner in keeping with the international character of the Commission and shall:

- (a) always bear in mind the loyalty, discretion and tact imposed by international responsibilities
- (b) avoid all actions, statements or public activities which might be detrimental to the Commission and its aims
- (c) not be required to renounce national feeling or political or religious convictions
- (d) not seek, or accept, instructions from any government, authority, organisation or person outside the Commission relating to their work for the Commission.

1.2.4 Employees shall observe maximum discretion regarding official matters and shall abstain from making private use of information they possess by reason of their position. Authorisation for the release of information for official purposes shall lie with the Commission or the Executive Secretary, as the case may require.

1.2.5 Staff members shall, in general, have no employment other than with the Commission. In special cases, staff members may accept other employment, provided that it does not interfere with their duties in the Commission, and that prior authorisation by the Executive Secretary has been obtained. The Commission's prior authorisation shall be obtained in respect of the Executive Secretary.

1.2.6 The employee shall not be engaged, concerned or interested in any capacity in any other trade, business or occupation whatsoever other than the business of the Commission:

- (a) without the prior written consent of the Executive Secretary; or
- (b) except where the interest, engagement or concern of the employee in such other trade, business or occupation does not, in the opinion of the Executive Secretary, interfere with the duties of the employee.

This provision shall not prohibit the holding of investments listed on any stock exchange. The employee shall notify the Executive Secretary in writing of any other trade, business or occupation in which the employee is, or proposes to be, engaged, concerned or interested, either before the commencement of the employee's employment or before becoming so engaged, concerned or interested, as the case may be.

1.2.7 Employees shall enjoy the privileges and immunities to which they are entitled under the Headquarters Agreement between the Government of Australia and the Commission, pursuant to Article VIII of the Convention.

1.2.8 Employees shall not at any time, either directly or indirectly, deal with or employ the plant, equipment, stock, money, credit or other assets belonging or owing to the Commission for the employee's own gain.

1.2.9 Employees will not do, or cause to be done, any act or thing whereby any property belonging to the Commission may be, or become liable to be, seized in execution, charged or affected or whereby the interest of the Commission may be prejudicially affected.

1.2.10 Employees shall not at any time enter into any contract or arrangement on behalf of the Commission or bind the Commission without the prior consent of the Executive Secretary.

Regulation 1.3 – Application and amendment of regulations

1.3.1 The Executive Secretary is responsible for the administration of these Staff Regulations on behalf of the Commission. Where they are applicable to the Executive Secretary, the Chair of the Commission shall determine the administration of the Staff Regulations.

1.3.2 Any doubts arising from application of these regulations shall be resolved by the Executive Secretary following consultation with the Chair of the Commission.

1.3.3 All matters not foreseen in these Staff Regulations shall be brought to the attention of the Commission by the Executive Secretary.

1.3.4 Subject to the provisions of the Convention, these regulations may be amended by the Commission in accordance with its Rules of Procedure.

Regulation 1.4 – Classification of staff

1.4.1 The CCAMLR Job Classification System describes two categories of staff that are supported at the CCAMLR Secretariat.

1.4.2 The International category is recruited globally from among citizens of Members of the Commission. The terms and conditions for appointment to a post within this category are guided by the United Nations ICSC System. Except for the Executive Secretary, the posts within the CCAMLR Secretariat in this category are designated *International Professional*. The Executive Secretary post is designated *International Director*. The International category describes positions of high responsibility of a managerial, professional or scientific nature. These posts will be filled by appropriately qualified professionals, preferably with university qualifications or the equivalent.

1.4.3 The General Services category is recruited from within Australia from among citizens of Members of the Commission. The terms and conditions for appointment to a post classified as General Services are governed by the Australian *Fair Work Act 2009 as amended*. The General Services category describes positions of managerial, financial, auxiliary administrative, scientific and technical, clerical, secretarial and other office personnel.

1.4.4 Detailed classification information is located in CCAMLR's Job Classification System document.

1.4.5 Persons employed under Section 4 of the Staff Regulations shall not be classified as ongoing staff members.

Regulation 1.5 – Salaries and other remuneration

1.5.1 The following clauses are only applicable to International Professional category employees:

- (a) The salaries of staff members shall begin at Step 1 of the appropriate classification at which they are appointed. Staff members shall remain at that level for at least the first year of employment.
- (b) Only in very special cases, on the proposal of the Executive Secretary and with the approval of the Chair of the Commission, may staff members be appointed at a salary higher than Step 1 of the relevant category.
- (c) The promotion of staff members from one salary scale to another requires the prior approval of the Commission.
- (d) During the continuation of the employee's employment by the Commission, subject to a satisfactory performance rating, the employee will advance in accordance with CCAMLR's Staffing and Salary Strategy.
- (e) The remuneration payable by the Commission to the employee will occur in fortnightly payments (and proportionately for any lesser period), in arrears.
- (f) Additional salary conditions for International Professional category employees are as per Section 2 of the Staff Regulations.

1.5.2 The following clauses are only applicable to General Services category employees:

- (a) Staff members in the General Services category shall, in principle, be paid at rates equivalent to those paid in Hobart for staff of equivalent qualifications and experience in accordance with the CCAMLR Job Classification System.
- (b) To achieve this, General Services category employees shall receive an annual increment that maintains comparability of total remuneration (salary, superannuation, annual leave and service payment) against a relevant local comparator and takes into account the annual consumer price index for Hobart, published by the Australian Bureau of Statistics.
- (c) The salaries of staff members shall begin at Step 1 of the appropriate classification at which they are appointed. Staff members shall remain at that level for at least the first year of employment.

- (d) Only in very special cases, on the approval of the Executive Secretary, may staff members be appointed at a salary higher than Step 1 of the relevant category.
- (e) During the continuation of the employee's employment by the Commission, subject to a satisfactory performance rating, the employee will advance in accordance with CCAMLR's Staffing and Salary Strategy.
- (f) The remuneration payable by the Commission to the employee will occur in fortnightly payments (and proportionately for any lesser period), in arrears.
- (g) Additional salary conditions for General Services category employees are as per Section 3 of the Staff Regulations.

Regulation 1.6 – Superannuation

1.6.1 The Commission offers the following superannuation:

- (a) International Professional staff

The Commission shall pay two-thirds of the total contributions to a superannuation fund nominated by the employee, up to the maximum applied in the United Nations Secretariat as defined by the ICSC System.

- (b) General Services employees engaged on contracts of more than one year:

Superannuation contributions of 15.4% of salary shall be made by the Commission to a superannuation fund nominated by the employee, in accordance with the *Superannuation Guarantee (Administration) Act 1992*, the *Superannuation Guarantee Charge Act 1992*, the *Superannuation Industry (Supervision) Act 1993* and the *Superannuation (Resolution and Complaints) Act 1993*. This legislation, as varied from time to time, shall govern the superannuation rights and obligations of the parties.

- (c) General Services casual employees and employees engaged on contracts of less than one year:

Superannuation contributions shall be made by the Commission in accordance with the *Superannuation Guarantee (Administration) Act 1992*, the *Superannuation Guarantee Charge Act 1992*, the *Superannuation Industry (Supervision) Act 1993* and the *Superannuation (Resolution and Complaints) Act 1993*. This legislation, as varied from time to time, shall govern the superannuation rights and obligations of the parties.

Regulation 1.7 – Travel

1.7.1 All official travel shall be authorised by the Executive Secretary in advance within the limits of the budget, and the itinerary and travelling conditions shall be those best suited for maximum effectiveness in the fulfilment of duties assigned.

1.7.2 With regard to official travel, a travel allowance, generally consistent with United Nations practice, shall be paid in advance for fares, accommodation and daily living expenses.

1.7.3 Economy class shall be utilised, wherever feasible, for air travel.

1.7.4 First class may be utilised for land travel, but not for travel by sea or air.

1.7.5 Following completion of a duty journey, staff members shall repay any travel allowances to which, in the event, they were not entitled. Where staff members have incurred expenses above and beyond those for which travel allowances have been paid, they shall be reimbursed, against receipts and vouchers, as long as such expenses were necessarily incurred in pursuit of their official duties.

1.7.6 Staff members who, in the course of their duty, are required to use private motor vehicles for official travel purposes shall, with the prior authorisation of the Executive Secretary, be entitled to receive a reimbursement of the costs involved in line with that available to members of the Government Service in Australia but in no case will the employee receive payment at a rate less than the amount allowed as deduction by the Australian Taxation Office. The costs associated with normal daily travel to and from the place of work shall not be reimbursed.

Regulation 1.8 – Professional development

1.8.1 Staff members will be encouraged to participate in professional development to maintain or improve their professional knowledge and skills, to remain competent in their chosen profession or to develop further skills as part of a career development plan. Professional development will be based on the development needs identified by the employee and approved by their manager and may be undertaken in a variety of ways, including formal and informal training, coaching, mentoring or internal secondments.

Regulation 1.9 – Recruitment and appointment

1.9.1 In accordance with Article XVIII.1 of the Convention, the Commission shall appoint an Executive Secretary and shall establish the remuneration and such other entitlements as it deems appropriate. The Executive Secretary's term of office shall be for four years and the Executive Secretary shall be eligible for reappointment for one additional term. The total length of employment may not exceed eight years.

1.9.2 In accordance with Article XVII.2 of the Convention, the Executive Secretary shall appoint, direct and supervise staff. The paramount consideration in the appointment, transfer or promotion of the staff shall be the necessity for securing the highest standards of efficiency, competence and integrity.

1.9.3 Offers of appointment to the Secretariat are subject to the persons selected undergoing a medical examination and presenting a certificate stating that they have no medical condition which might prevent them from performing their duties, or which might endanger the health of others. The medical examination is at the expense of the Commission.

1.9.4 Upon selection, each staff member shall receive an offer of appointment stating:

- (a) that the appointment is subject to the Staff Regulations applicable to the category of appointment in question, and to changes which may be duly made in such regulations
- (b) the nature of the appointment
- (c) the date on which the staff member is required to commence duty
- (d) the period of appointment, the notice required to terminate it and the period of probation
- (e) the category, classification, commencing rate of salary and pay step
- (f) the allowances attached to the appointment
- (g) any special terms and conditions which may be applicable.

1.9.5 Together with the offer of appointment, staff members shall be provided with a copy of these regulations. Upon acceptance of the offer, staff members shall state in writing that they are familiar with, and accept, the conditions set out in these regulations.

Regulation 1.10 – Separation from service

1.10.1 Staff members may resign at any time upon giving the following notice or such lesser period as may be approved by the Executive Secretary or the Commission, as the case may require:

- (a) International Professional staff: three months
- (b) General Services staff employed at grades one to six: four weeks
- (c) General Services staff employed at grades M1 and M2: eight weeks.

1.10.2 In the event of separation of service with the Secretariat, a staff member shall receive one month's gross pay, less staff assessment levy, for each full year of continuous service, including, but paid after completion of, the first year of service. For a part year of continuous service an employee will be paid a pro-rata part of one month's gross pay proportionate to that partial year of service. If the appointment of a staff member is terminated for reasons of gross

dereliction of duties or serious misconduct, they will not receive a separation from service payment.

1.10.3 In the event of a staff member resigning without giving the required notice, the Executive Secretary reserves the right to decide whether repatriation expenses, separation from service or any other allowance, shall be paid.

1.10.4 Appointment of staff members may be terminated upon prior written notice, in advance by at least the notice periods described in Clause 1.10.1, by the Executive Secretary when they deem this to be for the benefit of the Commission due to restructuring of the Secretariat or if they consider that the staff member does not give satisfactory service, fails to comply with the duties and obligations set out in these Staff Regulations, or is incapacitated for service. In the case of termination of employment for reasons of incapacity one month's notice shall apply. In the case of termination for gross dereliction of duties or serious misconduct, dismissal shall be immediate.

1.10.5 The separation from service payment in this clause is deemed to include all of the benefits and entitlements a staff member may have under any applicable legislation or industrial instrument. No additional payment will be made on termination of employment unless the quantum of the following payments exceeds the separation from service payment:

- (a) notice of termination or payment in lieu of notice as per *Part 2-2, Division 11* of the *Fair Work Act 2009 as amended*
- (b) redundancy pay as per *Part 2-2, Division 11* of the *Fair Work Act 2009 as amended*
- (c) long-service leave as per *Part 2-2, Division 9* of the *Fair Work Act 2009 as amended*
- (d) any other benefit or entitlement that is applicable on termination in accordance with a relevant industrial instrument, excluding annual leave.

Regulation 1.11 – Higher duties

1.11.1 With the prior approval of the Executive Secretary, an employee who is required to perform the full duties and responsibilities of a higher classified employee for a period in excess of 10 working days shall be entitled to payment at the applicable classification rate for the period during which such duties are performed.

Regulation 1.12 – Annual leave

1.12.1 Entitlement

- (a) Full-time and part-time employees shall be entitled to a minimum of 20 working days paid annual leave after 12 months continuous service. In addition, the Commission shall provide a further 10 working days of annual leave which must be taken within the year it accrues.
- (b) The 20 days paid annual leave is cumulative and will accrue on a pro-rata basis. The additional 10 days shall not accrue from year to year if it is not taken within the applicable 12-month period.
- (c) A period of annual leave does not break an employee's continuity of service.
- (d) Staff members will be able to claim sick leave during a period of annual leave on the provision of a medical certificate from a recognised health professional.

1.12.2 Payment for leave

- (a) The payment for annual leave is the staff member's basic periodic rate of pay immediately before the period begins.

1.12.3 Time of taking leave

- (a) The taking of leave shall not cause undue disruption to normal Secretariat operations. In accordance with this principle, leave dates shall be subject to the needs of the Commission. Leave dates shall be approved by the Executive Secretary who shall, as far as possible, bear in mind the personal circumstances, needs and preferences of staff members.
- (b) The staff member will endeavour to give the Executive Secretary four weeks' written notice of intention to take annual leave.
- (c) The Executive Secretary will not unreasonably refuse to authorise an employee to take an amount of annual leave that is credited to the staff member, or revoke an authorisation enabling a staff member to take annual leave during a particular period.
- (d) There is no maximum limit on the amount of annual leave that the Executive Secretary may authorise a staff member to take.

1.12.4 Payment of leave on termination of service

- (a) A staff member is entitled to payment for untaken accumulated annual leave on termination of service.
- (b) Where either party terminates the employment, the untaken accumulated annual leave is paid at the staff member's basic periodic rate of pay at the time of termination.

1.12.5 Annual leave exclusive of holidays with pay

- (a) If any of the holidays prescribed in 'Holidays with pay' (Clause 1.13.6) falls within a staff member's period of annual leave, and is observed on a day which in the case of that staff member would have been an ordinary working day, there shall be added to that leave one day for each such holiday as occurring.

1.12.6 Continuity of service

- (a) For the purposes of this subclause, service shall be deemed to be continuous notwithstanding:
 - (i) any interruption or determination of the employment by the Executive Secretary if such interruption or determination has been made merely with the intention of avoiding obligations in respect of leave of absence
 - (ii) any absence from work on account of personal sickness or accident and in calculating the period of twelve months' continuous service, absence on account of personal sickness or accident to the extent of 91 days in any 12 months shall be deemed to be part of the period of continuous service
 - (iii) any absence with reasonable cause, proof of which shall be upon the employee, or leave lawfully granted by the employer, but such absence shall not be taken into account in calculating the period of 12 months' continuous service.

Regulation 1.13 – Personal leave

1.13.1 The provisions of this clause apply to full-time and part-time employees (on a pro-rata basis) but do not apply to casual employees, unless where expressly stated.

1.13.2 Conditions

- (a) The entitlement to use personal leave for the purposes of carer's leave (see Clause 1.13.9) is subject to the person being a member of the staff member's immediate family.

1.13.3 Amount of paid personal leave

- (a) Paid personal leave is available to a staff member, other than a casual employee, when they are absent:
 - (i) due to personal illness or injury; or
 - (ii) for the purposes of caring for an immediate family who is sick and requires the employee's care and support or who requires care due to an unexpected emergency.

- (b) The amount of personal leave to which a full-time staff member is entitled depends on how long they have worked for the Commission and accrues as follows:
 - (i) a full-time staff member is entitled to 10 days' paid leave a year
 - (ii) pro-rata entitlement applies to part-time staff members.
- (c) Staff members shall not be granted personal/sick leave for a period of more than three consecutive days and more than a total of seven working days in any calendar year without producing a medical certificate.

1.13.4 Accumulation of personal leave

- (a) A staff member's entitlement to paid personal leave accrues progressively during a year of service according to the staff member's ordinary hours of work and accumulates from year to year.

1.13.5 Payment for paid personal leave

- (a) If a staff member takes a period of paid personal leave, the Commission must pay the staff member at the staff member's base rate of pay for the staff member's ordinary hours of work in the period.

1.13.6 Personal leave and holidays with pay

- (a) If the period during which a staff member takes paid personal leave includes a day or part-day that is a public holiday in the place where the staff member is based for work purposes, the staff member is taken not to be on paid personal leave on that public holiday.

1.13.7 Effect of workers' compensation

- (a) If a staff member is receiving workers' compensation payments, they are not entitled to personal leave.

1.13.8 Not payable on termination

- (a) The Commission is not required to make a payment in respect of accumulated personal leave credits to an employee upon termination of employment.

1.13.9 Personal leave to care for an immediate family (personal/carer's leave)

- (a) The entitlement is subject to the staff member being responsible for the care and support of the person concerned. In normal circumstances an employee is not entitled to take leave for this purpose where another person has taken leave to care for the same person.

1.13.10 Employee must give notice

- (a) The staff member must, as soon as practicable prior to the commencement of work, inform the Executive Secretary of their inability to attend work and, as far as practicable, state the nature of the injury, illness or emergency and the estimated duration of the absence.
- (b) When taking leave to care for members of their immediate family who are sick and require care and support, or who require care due to an unexpected emergency, the notice must include:
 - (i) the name of the person requiring care and support and their relationship to the employee
 - (ii) the reasons for taking such leave
 - (iii) the estimated length of absence.

1.13.11 Evidence supporting claim

- (a) When taking leave to care for members of their immediate family who require care due to an unexpected emergency, the staff member must, if required by the Executive Secretary, establish by production of documentation acceptable to the Executive Secretary or a statutory declaration, the nature of the emergency and that such emergency resulted in the person concerned requiring care by the employee.
- (b) An employee may provide a statutory declaration in lieu of a medical certificate.

1.13.12 Unpaid personal leave

- (a) Where a staff member has exhausted all paid personal leave entitlements, they are entitled to take unpaid personal leave to care for members of their immediate family who are sick and require care and support or who require care due to an unexpected emergency. The Executive Secretary and the staff member shall agree on the period. In the absence of agreement, the staff member is entitled to take up to two days of unpaid leave per occasion, provided other requirements of these Staff Regulations are met.

Regulation 1.14 – Compassionate leave

1.14.1 An employee is entitled to three days (or four days if international travel is required) compassionate leave for each occasion when a member of the employee's immediate family:

- (a) contracts or develops a personal illness that poses a serious threat to his or her life; or

- (b) sustains a personal injury that poses a serious threat to his or her life; or
- (c) dies.

1.14.2 An employee may take compassionate leave for a particular permissible occasion if the leave is taken:

- (a) to spend time with the member of the employee's immediate family who has contracted or developed the personal illness, or sustained the personal injury; or
- (b) after the death of the member of the employee's immediate family.

1.14.3 An employee may take compassionate leave for a particular permissible occasion as:

- (a) a single continuous three-day period; or
- (b) two separate periods that equate to three days; or
- (c) any separate periods to which the employee and the Executive Secretary agree.

1.14.4 If the permissible occasion is the contraction or development of an illness, or the sustaining of an injury, the employee may take the compassionate leave for that occasion at any time while the illness or injury persists.

1.14.5 Proof of such death or illness or injury (in the form of a death notice or other written evidence) shall be the same evidence and notice requirements as personal/carer's leave.

1.14.6 An employee shall be paid at the base rate of pay for any period of compassionate leave.

1.14.7 The definition of immediate family for this clause shall be as per the 'personal/carer's leave' clause (Clause 1.13.9).

Regulation 1.15 – Leave without pay

1.15.1 Notwithstanding the absence of accrued annual holiday leave, and subject to the prior approval of the Executive Secretary, the employee may be absent for reasons other than those specified in these Staff Regulations but will not be entitled to any remuneration or accrual of benefits for the period of absence. Any leave without pay is at the discretion of the Executive Secretary.

Regulation 1.16 – Holidays with pay

1.16.1 All employees shall be allowed the following days as holidays with pay:

1 January	New Year's Day
26 January	Australia Day
	Regatta Day
	Eight Hours Day
	Good Friday
	Easter Monday
	Easter Tuesday
25 April	Anzac Day
	King's Birthday
	Show Day
25 December	Christmas Day
26 December	Boxing Day.

1.16.2 Payment for holidays with pay mentioned in Clause 1.16.1 of this regulation which are taken and not worked, shall be at the normal rate of pay which would have applied to the employee concerned when, if it were not for such holiday, they would have been at work.

1.16.3 When staff are required to work on such holidays, they shall be compensated according to the award.

Regulation 1.17 – Jury service leave

1.17.1 An employee required to attend for jury duty shall be reimbursed by the Commission an amount equal to the difference between the amount the employee is able to claim from the court in respect of their attendance for such jury duty and the amount of wage they would have received in respect of the ordinary time they would have worked had they not been on jury duty, capped to a maximum period of 10 days.

1.17.2 An employee shall notify the Executive Secretary as soon as practicable of the date upon which they are required to attend for jury duty, and shall provide the Executive Secretary with proof of attendance, the duration of such attendance and the amount received in respect thereof.

Regulation 1.18 – Community service leave

1.18.1 An employee who engages in an eligible community service activity is entitled to be absent from their employment on unpaid leave of absence for a period if:

- (a) The period consists of one or more of the following:
 - (i) time when the employee engages in the activity
 - (ii) reasonable travelling time associated with the activity
 - (iii) reasonable rest time immediately following the activity.

- (b) The employee's absence is reasonable in all the circumstances.
- (c) An eligible community service activity is as defined in the *Fair Work Act 2009 as amended* and/or regulations.

1.18.2 Notice and evidence requirements

- (a) An employee who wants an absence from their employment to be covered by this clause must give the Executive Secretary notice of the absence.
- (b) The notice:
 - (i) must be given to the Executive Secretary as soon as reasonably practicable (which may be a time after the absence has started)
 - (ii) must advise the Executive Secretary of the period, or expected period, of the absence.

1.18.3 Evidence

- (a) An employee who has given their employer notice of an absence under Clause 1.18.1(d) must, if required by the employer, give the Executive Secretary evidence that would satisfy a reasonable person that the absence is because the employee has been, or will be, engaging in an eligible community service activity.

1.18.4 Compliance

- (a) An employee's absence from their employment is not covered by this clause unless the employee complies with its contents.

Regulation 1.19 – Parental leave

1.19.1 After 12 months' continuous service in the Secretariat, staff members shall be entitled to paid parental leave in relation to the birth of their child. On the basis of medical advice that the confinement will probably take place within six weeks, staff members shall be entitled to be absent from duty from that time until eight weeks after expected confinement. During this period staff members shall receive full pay and corresponding allowances.

1.19.2 After 12 months' continuous service, parents are entitled to a combined total of 52 weeks unpaid parental leave on a shared basis in relation to the birth, or adoption, of their child. An employee can choose to use some, or all, of their annual leave in addition to their parental leave. However, employees cannot access personal leave whilst on a period of unpaid parental leave.

1.19.3 Parental leave will be in accordance with the *Fair Work Act 2009 as amended*.

Section 2 – International Professional category employees’ additional terms and conditions of employment

Regulation 2.1 – Salaries and other remuneration

2.1.1 The scale of salaries for staff members in the International Professional category shall be established in US dollars according to the corresponding scales of salaries which would apply to officials of the United Nations Secretariat employed in Australia and shall be paid in Australian dollars.

- (a) The type of allowances available to staff members in the International Professional category shall, in principle, be those allowances in force in the United Nations. The scale of allowances shall be established in US dollars according to the corresponding scales of allowances which would apply to officials of the United Nations Secretariat in Australia and shall be paid in Australian dollars. However, education allowances for each dependent child shall not be paid:
 - (i) in respect of children of Australian staff members
 - (ii) in respect of attendance at an Australian private (non-state) school or non-Australian institutions
 - (iii) in respect of the fees that would normally be paid by Australian residents for attendance at a public (state) school or public (state) university in Australia
 - (iv) for correspondence courses or private tuition
 - (v) when schooling does not require regular attendance at an education institution
 - (vi) in respect of education expenses covered from scholarship grants or subsidies from other sources.
- (b) Except for the maximum figure for education allowance, changes in salaries and allowances applied in the United Nations Secretariat shall be applied to the salaries and allowances of staff members in the International Professional category.
- (c) The Commission shall pay duly justified representation expenses incurred by the Executive Secretary in the performance of his duties within the limits prescribed annually in the budget.
- (d) A SAL on the remuneration of staff members in the International Professional category shall be deducted by the Commission from the remuneration of the International Professional officer and such a deduction shall be retained by the Commission, in accordance with taxation arrangements entered into with the Australian Government through the Headquarters Agreement, and with the Australian Taxation Office.

Regulation 2.2 – United Nations common system of salaries, allowances and benefits

2.2.1 The Commission has adopted, where applicable, terms and conditions of employment from the *United Nations Common System of Salaries, Allowances and Benefits* within these Staff Regulations.

2.2.2 The *United Nations Common System of Salaries, Allowances and Benefits* has been used as a general reference for some Staff Regulations as appropriate, but the specific terms and conditions of employment are as per the Contract of Employment and the Staff Regulations ('the instruments') and any legal or administrative interpretations will be made on the basis of those instruments.

2.2.3 The annexes of the *United Nations Common System of Salaries, Allowances and Benefits* contain specific salary rates and allowances which are updated from time to time. Where applicable, the Commission will apply the appropriate variation of the annexes to the terms and conditions of employment within the Staff Regulations.

Regulation 2.3 – Hours of work

2.3.1 The normal working day shall be on average eight hours, Monday to Friday, for an average of 40 hours per week.

2.3.2 The Executive Secretary shall establish the working hours and may alter them for the benefit of the Commission, as circumstances may require.

2.3.3 Staff members in the International Professional category are not entitled to overtime pay or compensatory leave for hours worked in excess of forty hours per week. Given the nature of the role, responsibilities and level of remuneration, any additional hours required are deemed to be reasonable.

Regulation 2.4 – Travel

2.4.1 On taking up an appointment in the International Professional category staff² shall be eligible for:

- (a) payment of economy class air fares (or equivalent) and travel allowance for themselves, their spouses and dependants to Hobart
- (b) an installation grant calculated on the basis of the prevailing United Nations rate
- (c) payment of removal costs on the basis of the prevailing United Nations rules
- (d) payment or reimbursement of sundry other expenses related to relocation, including insurance of goods in transit and excess baggage charges subject to

² Except for staff already resident in Tasmania

the prevailing relevant United Nations rules. Such payments shall be subject to prior approval by the Executive Secretary.

2.4.2 After 18 months of service, the Commission shall pay travel expenses to the staff member for travel to their country of origin or former residence on annual leave for the staff member and their dependants. Economy class shall be utilised, wherever feasible, for air travel and first class may be utilised for land travel, but not for travel by sea or air. Following this, home leave shall be granted at two-year intervals, provided that:

- (a) dependants who benefit from this Commission grant have resided in Hobart for at least six months prior to travel
- (b) staff members will return to the Secretariat to continue rendering their services for a minimum additional period of six months.

2.4.3 The possibility of combining travel to the country of origin or former residence on leave with official travel in Commission service may also be considered, provided the interests of the Commission are duly borne in mind.

Regulation 2.5 – Separation from service

2.5.1 In addition to the provisions provided in accordance with Regulation 1.10 on separation from service, an International Professional category employee shall, subject to Clause 2.5.2(b), be entitled to the following:

- (a) payment of economy class air fares (or equivalent) to the staff member's country of origin or former residence, for the staff member and dependent members of his family
- (b) payment of removal costs, including the shipment of personal effects and household goods from place of residence in Hobart to the country of origin or former residence, subject to a maximum volume of 30 cubic metres or one international shipping container
- (c) a repatriation allowance generally consistent with United Nations practice.

2.5.2 At the discretion of the Executive Secretary, the right to the repatriation expenses provided for in Clause 2.5.1 and in respect of item (e) below home leave travel in Clause 2.4.2 and dependency benefits in Regulations 2.1 and 2.2, may be cancelled or reduced appropriately if:

- (a) less than one year has elapsed between the date of taking up the appointment and the date of separation from service
- (b) the reason for separation from service was termination of employment due to gross dereliction of duty
- (c) more than six months have elapsed between the staff member's separation from service and their return to their country of origin or former residence

- (d) less than six months have elapsed since the staff member last visited his country of origin or former residence on home leave at the expense of the Commission; or
- (e) the staff member has applied for, or received, status as a permanent resident of Australia.

Regulation 2.6 – Employee death

2.6.1 In the event of death of a staff member following illness or surgery not resulting from an accident covered by the appropriate insurance, the right to salary, allowances and other corresponding benefits shall cease on the day on which death occurs, unless the deceased leaves dependants, in which case these shall be entitled to mortality allowances and return travel and removal expenses to the country of origin or former residence at the expense of the Commission.

2.6.2 Eligibility of the dependants of a deceased staff member for the payment of return travel and removal expenses shall lapse if the travel is not undertaken within six months of the date of the staff member's death.

2.6.3 The above mortality allowance for death shall be calculated in accordance with the following scale:

Years of service	Months of net base pay salary following death
Less than 3 years	3 months
3 years and more, but less than 7 years	4 months
7 years and more, but less than 9 years	5 months
9 years and more	6 months.

2.6.4 The Commission shall pay for shipment of the staff member's body from the place of death to the place designated by the next of kin.

Section 3 – General Services category employees' additional terms and conditions of employment

Regulation 3.1 – Hours of work

3.1.1 The normal working day shall be on average 7.5 hours, Monday to Friday, for an average of 37.5 hours per week over a four-week period.

3.1.2 The ordinary hours of work are to be worked between 0700 h to 1900 h Monday to Friday. The spread of hours may be altered by up to one hour at either end of the spread, by agreement between the employer and the majority of employees concerned or, in appropriate circumstances, between the employer and an individual employee.

Regulation 3.2 – Annualised salaries

3.2.1 Staff members are remunerated under annualised salary arrangements. The annualised salary for employees comprises the following components:

- (a) minimum weekly wage
- (b) allowances
- (c) overtime and penalty rates unless where specified in these Staff Regulations
- (d) annual leave loading.

3.2.2 General Service category employees shall be subject to PAYG taxation in accordance with Australian tax rates in force. The deduction so withheld by the Commission is retained by the Commission in accordance with an agreement with the Australian Taxation Office. CCAMLR General Services staff shall be treated equally to other Australian taxpayers in respect of taxation matters.

Regulation 3.3 – Breaks

3.3.1 Meal break

- (a) A meal break of not less than 30 minutes must be taken by each employee. Such meal periods must be taken not later than five hours after commencing work and after the resumption of work from a previous meal break.

3.3.2 Rest break

- (a) An employee must be allowed two 10-minute rest intervals to be counted as time worked on each day that the employee is required to work not less than 7.5 ordinary hours. Each rest interval should be taken at a time suitable to the employer, taking into account the needs of the CCAMLR Secretariat.

Regulation 3.4 – Additional hours

3.4.1 General Services employees shall not be entitled to receive any additional remuneration for additional hours performed outside the employee's normal working hours or for more than 37.5 hours per week unless such payment is for additional hours performed as authorised in advance by the Executive Secretary. Where this is the case, the General Services employee shall be entitled to be paid for such hours of work as exceed 37.5 for the week (except where a flexible working hours arrangement has been made in accordance with Regulation 3.5) at the following rates:

- (a) where the hours worked by the employee exceed the contracted number of hours specified in the Contract of Employment but do not exceed 7.5 hours, the employee shall be entitled to receive 100% of the employee's usual hourly rate of pay for each hour so worked (and proportionately for any part of an hour)

- (b) where the hours worked by the employee exceed 7.5 hours on any one day (other than on a Sunday or public holiday), or where any work is performed on a Saturday, the employee shall be entitled to receive 150% of the employee's usual hourly rate of pay for each hour so worked (and proportionately for any part of an hour)
- (c) where any work is performed on a Sunday or public holiday, the employee shall be entitled to receive 200% of the employee's usual hourly rate of pay for each hour so worked (and proportionately for any part of an hour)
- (d) where any work is performed over two consecutive days with a break of less than eight hours, the employee shall be entitled to receive 150% of the employee's usual hourly rate for the work performed following the break for a period of up to 7.5 hours after the break, including such payment in conformity with that entitled under Clauses 3.4.1(a), 3.4.1(b) and 3.4.1(c)
- (e) penalty rates are not cumulative. Where time worked is required to be paid at a penalty rate, that time must not be subject to more than one penalty but will be subject to the penalty which is to the employee's greatest advantage.

Regulation 3.5 – Flexible working hours

3.5.1 The purpose of this regulation is to detail the availability and management of flexible working hours for CCAMLR-based employees.

3.5.2 Flexible working hours at CCAMLR is to allow an employee to enter into an alternative arrangement for their hours of work. This could include varying start or finish times or having an extended break during the day. Flexible working hours can be used to allow employees to undertake personal appointments or other family responsibilities that are not covered by a form of leave.

3.5.3 Employees may utilise flexitime arrangements subject to the following:

- (a) The employee and CCAMLR may agree to vary the normal working hours of 0900 h to 1700 h within the span of ordinary work hours as set out in this Agreement.
- (b) The employer and employees recognise that during the core hours of 1000 h to 1200 h and 1400 h to 1600 h absences from the workplace by employees are to be kept to a minimum.
- (c) Ordinary hours are to be reconciled over a two-week pay cycle.
- (d) An employee can apply in advance to undertake a flexible working arrangement where they are required to attend an appointment or other matter during normal working hours.
- (e) An employee can bank up to 15 hours of flexi-time at any one time. Once the employee has reached 15 hours, the Executive Secretary or their delegate will

consult with the employee to agree on a time for the employee to reduce their accrual. If a mutually agreeable time cannot be reached, the employee will be instructed to take the leave at a time determined by the employer.

3.5.4 Employees may vary their starting and finishing times and lunch breaks within the span of ordinary hours to balance work and non-work commitments subject to the operational requirements of CCAMLR. For example, additional flexible working hours are unlikely to be available during peak work periods such as the annual meeting.

3.5.5 Absences during core hours shall not be taken as flexible working hours unless authorised by the Executive Secretary or their delegate.

3.5.6 Approvals for the taking of flexible working hours as required will be facilitated by email between the employee and the relevant manager prior to the commencement of the arrangement.

Section 4 – Casual/temporary employees’ terms and conditions of employment

Persons in this category may include translators, interpreters, typists and other persons contracted for meetings, as well as those whom the Executive Secretary contracts for a specific task. Whenever possible, persons resident in Australia shall be utilised in such cases.

Regulation 4.1 – Hours of work

4.1.1 The normal working day shall be an average of 7.5 hours, Monday to Friday, for a total of 37.5 hours per week.

4.1.2 The ordinary hours of work are between 0700 h and 1900 h Monday to Friday and from 0700 h to 1230 h Saturday. The spread of hours may be altered by agreement between the employer and the majority of employees concerned or, in appropriate circumstances, between the employer and an individual employee.

Regulation 4.2 – Casual staff member

4.2.1 A casual staff member is an employee who is engaged on an irregular basis to perform specific duties for a specific period. The employee shall be engaged intermittently for work of an unexpected or casual nature.

- (a) The minimum period of engagement for a casual employee shall be three hours.
- (b) Casual employees shall be paid at the appropriate base hourly rate but shall receive an additional loading of 25% in lieu of annual leave, holidays with pay and sick leave.

Staff classification translation table – General Services employees

Translation table: Comparison of the CCAMLR Job Classification System and modern award classifications

There are two modern awards that are applicable to CCAMLR:

- *Clerks – Private Sector Award 2010*
- *Professional Employees Award 2010.*

The following table compares the existing classifications used by CCAMLR to the relevant modern award classifications.

Classification	Classification characteristics	Award	Award level
GS1 GS2	Basic understanding of guidelines Close or general supervision Achieve agreed tasks Limited decision-making Work within established guidelines and time frames	Clerks Award	Level 1 (years 1–3)
GS3	General understanding of guidelines General guidance Plan and coordinate tasks Limited decision-making Completion of tasks with accuracy and attention to detail	Clerks Award	Level 2 (years 1–2)
GS4	Moderate to complex work, often within area of speciality Good understanding of legislation, regulatory and compliance framework General guidance Development of team goals Decision-making within defined parameters Specialist advice and support Tertiary qualifications may be required	Clerks Award Professional Award	Level 3 Level 1
GS5	Moderate to complex work Well-developed knowledge of legislation, regulatory and compliance framework General or limited guidance Involvement in development of business plans, goals and performance monitoring Responsible for achievement of results Specialist knowledge and advice Tertiary qualifications may be required	Clerks Award Professional Award	Level 4 Level 2
GS6	Moderately complex to complex work Sound knowledge of legislation, regulatory and compliance framework Limited guidance Developing business plans, goals and change initiatives Taking responsibility for outcomes Representational responsibilities	Clerks Award Professional Award	Level 5 Level 3/4
M1	Only if the role requires a science or information technology qualification	Professional Award	Level 4

**Standing Committee on Implementation and Compliance
(SCIC)
Terms of Reference and Organisation of Work**

Standing Committee on Implementation and Compliance (SCIC)

Terms of Reference and Organisation of Work

The Standing Committee on Implementation and Compliance (SCIC) was established by the Commission with the following terms of reference¹:

1. The Committee shall be tasked with providing the Commission with information, advice and recommendations necessary to give effect to Articles X, XXI, XXII and XXIV of the Convention.
2. The Committee shall:
 - (i) review and assess Contracting Parties' implementation of, and compliance with, conservation and management measures adopted by the Commission;
 - (ii) review and assess, as appropriate, the implementation of, and compliance with, conservation and management measures by those non-Contracting Parties which have agreed to apply such measures;
 - (iii) provide technical advice and recommendations on means to promote the effective implementation of, and compliance with, conservation and management measures;
 - (iv) review and analyse information pertaining to activities of Contracting Parties and non-Contracting Parties which undermine the objectives of the Convention, including in particular illegal, unregulated and unreported (IUU) fishing, and recommend actions to be taken by the Commission to prevent, deter and eliminate such activities;
 - (v) review the operation of, and recommend priorities of and improvements to, the System of Inspection and, in association with the Scientific Committee, as appropriate, the Scheme of International Scientific Observation;
 - (vi) exchange information with the Scientific Committee and its subsidiary bodies as well as the Standing Committee on Administration and Finance (SCAF), as appropriate, on matters of relevance for the exercise of their respective functions;
 - (vii) provide the Commission with recommendations on appropriate interaction with other fisheries or conservation management, technical or scientific organisations on matters of relevance to the effective implementation of, and compliance with, conservation and management measures;
 - (viii) perform such other functions consistent with its terms of reference as the Commission might decide; and

¹ Based on the Commission's decision as adopted at CCAMLR-XXI (paragraph 5.16 and Annex 5, Appendix VII).

- (ix) prepare a report on its activities and recommendations, as well as an agenda for its next meeting, for consideration by the Commission.

3. Organisation

- (i) SCIC may establish working groups to address technical or other specific issues.
- (ii) SCIC may propose terms of reference and agendas, and determine meeting frequency for such working groups.
- (iii) Working groups will be supported by conveners/chairs, rapporteurs and the Secretariat, as appropriate.
- (iv) Working groups will ordinarily meet preceding the annual meeting of the Commission, but may meet intersessionally if so required.
- (v) Any funding for such an intersessional meeting of a working group shall be decided by the Commission.

Text of the CCAMLR System of Inspection

Text of the CCAMLR System of Inspection¹

I. Each Member of the Commission may designate Inspectors referred to in Article XXIV of the Convention.

- (a) Designated Inspectors shall be familiar with the fishing and scientific research activities to be inspected, the provisions of the Convention and measures adopted under it.
- (b) Members shall certify the qualifications of each Inspector they designate.
- (c) Inspectors shall be nationals of the Contracting Party which designates them and, while carrying out inspection activities, shall be subject solely to the jurisdiction of that Contracting Party.
- (d) Inspectors shall be able to communicate in the language of the Flag State of the vessels on which they carry out their activities.
- (e) Inspectors shall be accorded the status of ship's officer while on board such vessels.
- (f) Names of Inspectors shall be communicated to the Secretariat within fourteen days of designation.

II. The Commission shall maintain a register of certified Inspectors designated by Members.

- (a) The Commission shall communicate, each year, the register of Inspectors to each Contracting Party within a month of the last day of the Commission meeting.

III. In order to verify compliance with conservation measures adopted under the Convention, Inspectors designated by Members shall be entitled to board a fishing or fisheries research vessel in the area to which the Convention applies to determine whether the vessel is, or has been, engaged in scientific research, or harvesting, of marine living resources².

- (a) Inspection may be carried out by designated Inspectors from vessels of the Designating Member.
- (b) Ships carrying Inspectors shall carry a special flag or pennant approved by the Commission to indicate that the Inspectors on board are carrying out inspection duties in accordance with this system.

¹ As adopted at CCAMLR-VII (paragraph 124) and amended at CCAMLR-XII (paragraphs 6.4 and 6.8), CCAMLR-XIII (paragraph 5.26), CCAMLR-XIV (paragraphs 7.22, 7.26 and 7.28), CCAMLR-XV (paragraph 7.24), CCAMLR-XVI (paragraph 8.14), CCAMLR-XVIII (paragraph 8.25), CCAMLR-XXV (paragraph 12.73) and CCAMLR-XXVI (paragraphs 13.79 to 13.83).

² The System of Inspection applies to flag vessels of all Members of the Commission and Contracting Parties.

- (c) Such Inspectors may also be placed on board vessels, with the schedule of embarkation and disembarkation of Inspectors subject to arrangements to be concluded between the Designating Member and the Flag State.

IV. Each Contracting Party shall provide to the Secretariat:

- (a) One month before the commencement of the research cruise and in accordance with Conservation Measure 24-01 'The Application of Conservation Measures to Scientific Research', the names of all vessels intending to conduct fishing for research purposes.
- (b) Within seven days of the issuance of each permit or licence in accordance with Conservation Measure 10-02 'Licensing and Inspection Obligations of Contracting Parties with regard to their Flag Vessels Operating in the Convention Area', the following information about licences or permits issued by its authorities to its flag vessels authorising them to fish in the Convention Area:
 - name of the vessel;
 - time periods authorised for fishing (start and end dates);
 - area(s) of fishing;
 - species targeted; and
 - gear used.
- (c) By 31 August, an annual report of steps it has taken to implement the inspection, investigation and sanction provisions of Conservation Measure 10-02 'Licensing and Inspection Obligations of Contracting Parties with regard to their Flag Vessels Operating in the Convention Area'.

- V.
- (a) Any vessel present in the Convention Area for the purpose of harvesting or conducting scientific research on marine living resources shall, when given the appropriate signal in the International Code of Signals by a ship carrying an Inspector (as signified by flying the flag or pennant referred to above), stop or take other such actions as necessary to facilitate the safe and prompt transfer of the Inspector to the vessel, unless the vessel is actively engaged in harvesting operations, in which case it shall do so as soon as practicable.
 - (b) The Master of the vessel shall permit the Inspector, who may be accompanied by appropriate assistants, to board the vessel.

VI. Inspectors shall have the authority to inspect catch, nets and other fishing gear as well as harvesting and scientific research activities, and shall have access to records and reports of catch and location data insofar as necessary to carry out their functions.

- (a) Each Inspector shall carry an identity document issued by the Designating Member in a form approved or provided by the Commission stating that the Inspector has been designated to carry out inspection in accordance with this system.
- (b) On boarding a vessel, an Inspector shall present the document described in paragraph VI(a), above.

- (c) The inspection shall be carried out so that the vessel is subject to the minimum interference and inconvenience. Inquiries shall be limited to the ascertainment of facts in relation to compliance with the Commission measures in effect for the Flag State concerned.
- (d) Inspectors may take photographs and/or video footage as necessary to document any alleged violation of Commission measures in force.
- (e) Inspectors shall affix an identification mark approved by the Commission to any net or other fishing gear which appears to have been used in contravention to conservation measures in effect and shall record this fact in the reports and notification referenced in paragraph VIII, below.
- (f) Inspectors shall be provided appropriate assistance by the Master of the vessel in carrying out their duties, including access as necessary to communications equipment.
- (g) Each Contracting Party, subject to and in accordance with their applicable laws and regulations, including rules governing the admissibility of evidence in domestic courts, shall consider and act on reports from Inspectors of Designating Members under this scheme on the same basis as reports from its own inspectors, and both Contracting Party and designating Member concerned shall cooperate in order to facilitate judicial or other proceedings arising from any such report.

VII. If a vessel refuses to stop or otherwise facilitate transfer of an Inspector, or if the Master or crew of a vessel interferes with the authorised activities of an Inspector, the Inspector involved shall prepare a detailed report, including a full description of all the circumstances and provide the report to the Designating Member to be transmitted in accordance with the relevant provisions of paragraph IX.

- (a) Interference with an Inspector or failure to comply with reasonable requests made by an Inspector in the performance of his duties shall be treated by the Flag State as if the Inspector were an Inspector of that State.
- (b) The Flag State shall report on actions taken under this paragraph in accordance with paragraph XI, below.

VIII. Inspectors shall complete the approved CCAMLR inspection report form.

- (a) The Inspector shall provide a written explanation, on the inspection report form, of any alleged violation of Commission measures in force. The Inspector shall allow the Master of the vessel being inspected to comment, on the inspection report form, about any aspect of the inspection.
- (b) The Inspector shall sign the inspection report form. The Master of the inspected vessel shall be invited to sign the inspection report form to acknowledge receipt of the report.
- (c) Before leaving the vessel that has been inspected, the Inspector shall give the Master of that vessel a copy of the completed inspection form.

- (d) The Inspector shall provide a copy of the completed inspection form along with photographs and video footage to the Designating Member not later than 15 days of his/her arrival to port.
- (e) The Designating Member shall forward a copy of the inspection form not later than 15 days from its reception along with two copies of photographs and video footage to the CCAMLR Executive Secretary who shall forward one copy of this material to the Flag State of the inspected vessel not later than seven days from receipt.
- (f) Fifteen days after the transmission of the completed inspection form to the Flag State, the CCAMLR Executive Secretary shall transmit that form to Members together with comments or observations, if any, received from the Flag State.

IX. Any supplementary reports or information, or any report prepared in accordance with paragraph VII, shall be provided by the Designating Member to the CCAMLR Executive Secretary. The latter shall provide such reports or information to the Flag State, which shall be then afforded the opportunity to comment. The CCAMLR Executive Secretary shall transmit the reports or information to Members within 15 days following their receipt from the Designating Member, and the observations or comments, if any, received from the Flag State.

X. A fishing vessel present in the area of application of the Convention shall be presumed to have been engaged in scientific research, or harvesting, of marine living resources (or to have been commencing such operations) if one or more of the following four indicators have been reported by an inspector, and there is no information to the contrary:

- (a) fishing gear was in use, had recently been in use or was ready to be used, e.g.:
 - nets, lines or pots were in the water;
 - trawl nets and doors rigged;
 - baited hooks, baited pots or traps or thawed bait were ready for use;
 - log indicated recent fishing or fishing commencing;
- (b) fish which occur in the Convention Area were being processed or had recently been processed, e.g.:
 - fresh fish or fish waste were on board;
 - fish were being frozen;
 - from operational or product information;
- (c) fishing gear from the vessel was in the water, e.g.:
 - fishing gear bore the vessel's markings;
 - fishing gear matched that on the vessel;
 - log indicated gear in the water;
- (d) fish (or their products) which occur in the Convention Area were stowed on board.

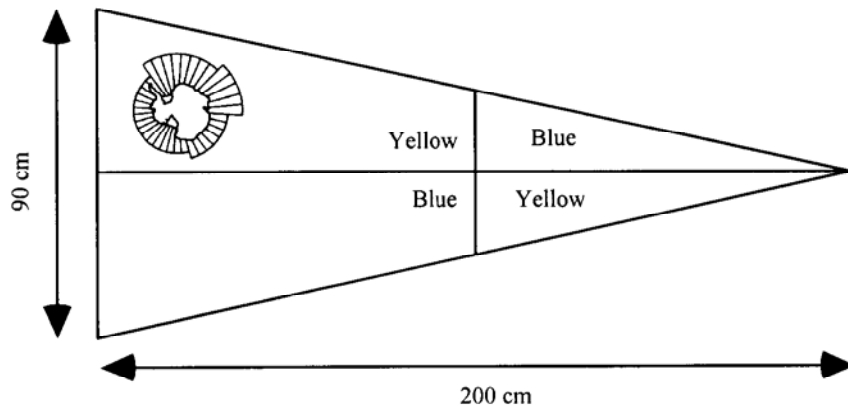
XI. If, as a result of inspection activities carried out in accordance with these provisions, there is evidence of violation of measures adopted under the Convention, the Flag State shall take steps to prosecute and, if necessary, impose sanctions.

XII. The Flag State shall, within fourteen days of the laying of charges or the initiation of proceedings relating to a prosecution, inform the Secretariat of this information, and shall continue thereafter to inform the Secretariat as the prosecution develops or is concluded. In addition, the Flag State shall at least once a year report to the Commission, in writing, about the results of such prosecutions and sanctions imposed. If a prosecution has not been completed, a progress report shall be made. When a prosecution has not been launched, or has been unsuccessful, the report shall contain an explanation.

XIII. Sanctions applied by Flag States in respect to infringements of CCAMLR provisions shall be sufficiently severe as to effectively ensure compliance with CCAMLR conservation measures and to discourage infringements and shall seek to deprive offenders of any economic benefit accruing from their illegal activities.

XIV. The Flag State shall ensure that any of its vessels which have been found to have contravened a CCAMLR conservation measure do not carry out fishing operations within the Convention Area until they have complied with the sanctions imposed.

Inspection pennant



Fishing gear identification mark

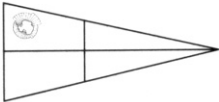

A standard marker has been approved for identifying fishing gear that has been judged by an Inspector to be contrary to standards set by the Commission. It is in the form of a sealable plastic ribbon with an identifying number stamped into it. The identifying number is to be recorded in the appropriate space in the form for reporting the inspection.



Identification document

Inspectors are required to carry an identity document of the type shown below.

Front

COMMISSION FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES	
The Bearer of this Document <div style="text-align: right;">(Name in Capitals)</div>	
..... <div style="text-align: right;">(Signature)</div> is a CCAMLR inspector for the 20 season and has the authority to act under the arrangement approved by the Commission.	
Issued by:	
Signature: Date:	
..... <div style="text-align: center;">(Name of issuing country in capitals, and inspector's identity number)</div>	
Photograph	

Back

The bearer of this card is an authorised inspector under
the CCAMLR System of Inspection

Le porteur de cette carte est un contrôleur habilité conformément
au Système de contrôle de la CCAMLR

Предъявитель настоящего документа является уполномоченным
инспектором в рамках Инспекционной системы АНТКОМ

El portador de esta tarjeta es un inspector autorizado de conformidad
con el Sistema de Inspección de la CCRVMA

本证件持有人是依据南极海洋生物资源养护委员
会的检查制度而授权的检查员。

Der Träger dieses Ausweises ist ein im Rahmen des CCAMLR
Inspektionssystems autorisierter Inspektor

本証の所持人は南極海洋生物資源保存委員会（CCAMLR）
の検査の制度に基づく正規の検査員である。

본증의 소지자는 남극 해양 생물 자원 보존 위원회의
검사제도에 따라 권한을 부여받은 검사관임

Okaziciel tego dokumentu jest upoważnionym inspektorem
działającym w ramach Systemu Kontroli CCAMLR

**Text of the CCAML Scheme of International
Scientific Observation**

Text of the CCAMLR Scheme of International Scientific Observation¹

A. Each Member of the Commission may designate observers referred to in Article XXIV of the Convention.

- (a) The Commission will specify activities of scientific observers on board vessels. These activities are described in Annex I and may be modified taking into account advice from the Scientific Committee. Additional scientific activities may be agreed between the Receiving and Designating Member States provided these do not conflict with, or detract from, the activities specified by the Commission.
- (b) The Member wishing to place scientific observers on board a vessel of another Member shall be referred to as the 'Designating Member' and the Member who accepts a scientific observer on board its vessel shall be referred to as the 'Receiving Member'. Scientific observers in this scheme shall be nationals of the Designating Member and shall conduct themselves in accordance with the customs and order existing on the vessel on which they are operating.
- (c) Members shall designate adequately qualified scientific observers who shall be familiar with the harvesting and scientific research activities to be observed, the provisions of the Convention and the measures adopted under it and who are adequately educated, trained and capable of carrying out competently the duties of scientific observers as required by the Commission.
- (d) Scientific observers shall be able to communicate in the language of the Flag State of the vessels on which they carry out their activities unless another language is agreed upon between the Designating and Receiving Member.
- (e) Scientific observers shall each carry a document issued by the Designating Member in a form approved by the Commission identifying them as CCAMLR scientific observers.
- (f) Scientific Observers shall submit to the Commission through the Designating Member, not later than one month after the completion of the observer trip or after the return of the observer to his/her home country, all observer logbooks and reports of each observation assignment undertaken, using the observation formats approved by the Scientific Committee as they appear in the [Scientific Observers Manual](#). The Secretariat shall send a copy of the scientific observer's report to the Receiving Member within 14 days of receipt. The language of the scientific observer's report shall be in one of the Commission's official languages, as agreed upon in the bilateral agreement between the Designating and Receiving Members.

¹ As adopted at CCAMLR-XI (paragraph 6.11) and amended at CCAMLR-XVI (paragraph 8.21), CCAMLR-XXVII (paragraph 13.68), CCAMLR-XXXVI (paragraphs 6.1 to 6.10) and CCAMLR-XXXVII (paragraph 7.1).

- (g) The Designating Member, in consultation with the scientific observer, shall be responsible for providing clarification about data collected, observations made, and incidents that may have occurred during deployment.
- (h) Upon review of the observer's report, the Receiving Member shall advise the Secretariat and the Designating Member of any discrepancies as soon as they are identified. In the event of such notification, the Designating and Receiving Members will make every effort to resolve the issue. If the Designating and Receiving Members notify the Secretariat that they are unable to resolve such issues, the Secretariat will note any unresolved discrepancy.

B. In order to promote the objectives of the Convention, Members agree to take on board their vessels engaged in scientific research or harvesting of marine living resources designated scientific observers, who shall operate in accordance with bilateral arrangements concluded.

Such a bilateral arrangement shall include the following principles:

- (a) The scientific observers shall be given the status of ship's officers. Accommodation and meals for scientific observers on board shall be of a standard commensurate with this status.
- (b) Receiving Members shall ensure that their vessel operators cooperate fully with the scientific observers to enable them to carry out the tasks assigned to them by the Commission. This will include allowing scientific observers access to data, equipment and those operations of the vessel necessary to fulfil their duties as required by the Commission.
- (c) Receiving Members shall ensure that their vessel operators cooperate fully with scientific observers to enable the observers to carry out their data collection duties as specified in the Scientific Observers Manual without impediment or influence. Arrangements shall be made for messages to be sent and received on behalf of scientific observers using the vessel's communication equipment and operator. Reasonable costs of such communications shall normally be borne by the Designating Member. After notifying the Master, scientific observers shall be allowed such access as is necessary to undertake observation duties, including the vessel's navigation equipment and personnel to determine the vessel's position, course and speed.
- (d) Receiving Members shall take appropriate action with respect to their vessels to ensure safe working conditions, the protection, security and welfare of scientific observers in the performance of their duties, and to provide them with medical care and safeguard their freedom and dignity in adherence to all pertinent international maritime regulations.
- (e) For transfers at sea, Members shall: (i) ensure that their vessel operators conduct transfers of observers under safe conditions and with the agreement of the observers (ii) conduct the transfer in a manner which maximises the safety of observers and crew during the procedure, and (iii) provide experienced crew members to assist observers during any transfer which is made.

- (f) Arrangements involving the transportation and boarding of scientific observers shall be organised so as to minimise interference with harvesting and research operations.
- (g) Scientific observers shall provide to the relevant masters copies of such records, prepared by the scientific observers, as the masters may wish to retain.
- (h) Designating Members shall ensure that their scientific observers carry insurance satisfactory to the Parties concerned.
- (i) Transportation of scientific observers to and from boarding points shall be the responsibility of the Designating Member.
- (j) Unless otherwise agreed, the equipment, clothing and salary and any related allowances of a scientific observer shall normally be borne by the Designating Member. The vessel of the Receiving Member shall bear the cost of on-board accommodation and meals of the scientific observer.
- (k) The bilateral arrangement shall address such other matters as deemed appropriate by both the Designating and Receiving Members, such as liability and confidentiality.
- (l) Commencing 1 December 2019, Designating Members are responsible for providing scientific observers, before any boarding for a trip, with an independent two-way communication satellite device and a waterproof personal lifesaving beacon, noting that this may consist of a single device such as 'Satellite Emergency Notification Device' or it may be a combination of an independent satellite-based system, such as a satellite phone plus a portable lifesaving beacon.

C. For each observer deployed, the Designating Members shall provide the following information to the Secretariat prior to the deployment of the observer:

- (a) date of signing the arrangement;
- (b) name and flag of the vessel receiving the observer;
- (c) Member designating the observer;
- (d) area of fishing (CCAMLR statistical area, subarea, division);
- (e) type of data to be collected by the observer and submitted to the Secretariat (e.g. by-catch, target species, biological data);
- (f) expected dates of the start and end of the observation program;
- (g) expected date of returning the observer to his/her home country.

D. In order to maintain the objectivity and scientific integrity of the data, Designating Members, Receiving Members, the vessels on which scientific observers are deployed and the scientific observers themselves, shall uphold and promote the following provisions:

- (a) A scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation shall not:
 - (i) contravene the requirements established in the laws and regulations of the Receiving Member or violate general rules of behaviour and safety that apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this Scheme, as stipulated in the bilateral arrangement between the Designating and the Receiving Members;
 - (ii) inhibit the proper functioning and fishing activities of the vessel;
 - (iii) solicit or accept, directly or indirectly, any gratuity, gift, favour, loan, or anything of monetary value from anyone who conducts fishing or fish processing activities that are regulated by CCAMLR, or who has interests that may be substantially affected by the performance or non-performance of the official duties of scientific observers, with the exception of meals, accommodations, or salary when provided by the vessel;
 - (iv) have been convicted of a serious criminal offense for five years prior to appointment as an observer;
 - (v) engage in any illegal actions or any other activities that would reflect negatively on his/her image as a professional scientist, on other scientific observers, on the integrity of data collection, or on CCAMLR as a whole;
 - (vi) have any financial interest in, or relationship with, any vessel or business harvesting or processing products from a CCAMLR fishery.
- (b) The owner, Master, agent, and crew of a vessel on which a scientific observer is deployed shall not:
 - (i) offer a scientific observer, either directly or indirectly, any gratuity, gift, favour, loan, or anything of monetary value, except for meals, accommodations or salary when provided by the vessel;
 - (ii) intimidate, or interfere with the duties of a scientific observer;
 - (iii) interfere with or bias the sampling procedure employed by a scientific observer;
 - (iv) tamper with, destroy, or discard a scientific observer's collected samples, equipment, records, photographic film, papers, or effects without the express consent of the observer;
 - (v) prohibit, impede, threaten, or coerce, an observer from/into collecting samples, making observations, or otherwise performing the observer's duties;
 - (vi) harass a scientific observer; or

- (vii) interfere with or prevent the observer from communicating with the Designating Member, including by preventing the scientific observer from having access to the vessel's communication equipment.
- (c) Deployment limitations. Designating Members shall seek, to the extent possible, to avoid having a scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation undertake multiple consecutive trips on the same vessel.
- (d) Confidentiality. Designating Members shall require that a scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation shall not:
 - (i) disclose verbal, written, or other evidence or observations made on-board a vessel, or observations made in a processing facility, including data or commercially sensitive vessel-specific fishing, processing, and marketing information, to any person except to the Secretariat, an authorised officer and as provided for in the bilateral arrangement;
 - (ii) take data or observer logbooks from one vessel onto another, except that if an observer is unable to submit data before being redeployed on another vessel, the scientific observer shall take reasonable steps to safeguard the data and observer logbooks.
- E.
 - (a) When the Designating Member receives information regarding actions of the scientific observer that may contravene the provisions of this Scheme, the Designating Member shall take prompt and appropriate action, in accordance with its domestic law. The Designating Member will notify the Receiving Member and the Commission of any appropriate action taken.
 - (b) When the Receiving Member receives information regarding actions of the vessel owner, Master, agent, or crew that may contravene the provisions of this Scheme, the Receiving Member shall take prompt and appropriate action, in accordance with its domestic law. The Receiving Member will notify the Designating Member and the Commission of any appropriate action taken.
- F. Members who have designated scientific observers will take the initiative in implementing assignments identified by the Commission.
- G. The scope of functions and tasks described in Annex I should not be interpreted to suggest in any way the number of required observers which will be accepted on board a vessel.
- H. Emergency Action Plan: Members shall implement the procedures described in Annex II for emergencies involving the scientific observer. Receiving Members shall ensure that the vessel owner or operator, or their designee, is informed of relevant procedures in advance of deployment of any scientific observer and cooperates in carrying out these procedures.

**Functions and Tasks of International Scientific Observers
on board Vessels engaged in Scientific Research or
Harvesting of Marine Living Resources**

1. The function of scientific observers on board vessels engaged in scientific research or harvesting of marine living resources is to observe and report on the operation of fishing activities in the Convention Area with the objectives and principles of the Convention for the Conservation of Antarctic Marine Living Resources in mind.

2. In fulfilling this function, scientific observers will undertake the following tasks, using the observation formats approved by the Scientific Committee:

- (i) take samples of catches to determine biological characteristics;
- (ii) record biological data by species caught;
- (iii) record by-catches, their quantity and other biological data in accordance with relevant conservation measures;
- (iv) record entanglement and incidental mortality of sea birds and marine mammals;
- (v) report on the measures taken to avoid incidental mortality;
- (vi) record the procedure and parameters by which declared catch weight is measured;
- (vii) prepare reports of their observations using the observation formats approved by the Scientific Committee and submit them to CCAMLR through the Designating Member;
- (viii) assist, by mutual agreement of the Designating Member and Receiving Member, the vessel in the catch recording and reporting procedures;
- (ix) undertake other tasks as may be decided by mutual agreement of the Designating Member and Receiving Member;
- (x)¹ collect and report data on sightings of unauthorised or unidentifiable fishing vessels, unmarked fishing gear, and recovery of fishing gear in the Convention Area, including vessel type identification, vessel position and activity and gear type; and
- (xi)² collect information on fishing gear loss and garbage disposal by fishing vessels at sea.

¹ Added in accordance with CCAMLR-XVII (paragraph 8.16). The Commission decided to review the effectiveness and the need to continue this activity after a two-year trial period (CCAMLR-XVII, paragraph 8.17).

² Added in accordance with CCAMLR-XVIII (paragraph 8.21).

Emergency Action Plan

1. In the event an observer dies, is missing or presumed fallen overboard, the Receiving Member shall ensure that the fishing vessel:

- (i) immediately suspends all fishing operations;
- (ii) immediately commences 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 Maritime Rescue Coordination Center (MRCC), unless the observer is found sooner, or unless instructed by the Receiving Member to continue searching;
- (iii) immediately notifies the Receiving Member;
- (iv) immediately notifies the appropriate MRCC and alert other vessels in the vicinity by using all available means of communication;
- (v) cooperates fully in any search and rescue operation;
- (vi) provides a report to the appropriate authorities on the incident; and
- (vii) cooperates 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.

2. Immediately upon receiving the notification in paragraph 1(iii), the Receiving Member shall notify the Designating Member and shall provide periodic updates and coordinate, as appropriate, with the Designating Member.

3. Paragraphs 1(i), (iii) and (vii) apply in the event that an observer dies. In addition, the Receiving Member shall require that the fishing vessel ensure that the body is well-preserved for the purposes of an autopsy and investigation.

4. 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 vessel shall seek medical advice through the relevant MRCC. If the MRCC 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 Receiving Member shall ensure that the vessel:

- (i) immediately suspends fishing operations;
- (ii) immediately notifies the Receiving Member and the MRCC;
- (iii) takes all reasonable actions to care for the observer and provide any medical treatment available and possible on board the vessel;

- (iv) if recommended by the MRCC or requested by the Designating Member, facilitates the disembarkation and transport of the observer to a medical facility equipped to provide the required care, as soon as practicable; and
- (v) cooperates fully in any and all official investigations into the cause of the illness or injury.

5. In the event that there are reasonable grounds to believe an observer has been assaulted, intimidated, threatened, or harassed such that their health or safety is endangered, the Receiving Member shall ensure that the fishing vessel:

- (i) immediately takes action to preserve the safety of the observer and mitigate and resolve the situation on board;
- (ii) notifies the Receiving Member and the observer provider of the situation, including the status and location of the observer, as soon as possible;
- (iii) facilitates the safe disembarkation of the observer, if requested, in a manner and place, as agreed by the Receiving and Designating Members, that facilitates access to any needed medical treatment; and
- (iv) cooperates fully in any and all official investigations into the incident.

6. Contracting Parties shall facilitate entry into their ports of vessels carrying CCAMLR SISO observers to allow disembarkation of the observer.

7. Contracting Parties shall, to the extent possible, assist in any follow-up investigation conducted by the Receiving or Designating Member.

8. In the event that, after disembarkation from a fishing vessel of an observer, the Designating Member identifies – such as during the course of debriefing the observer – a possible violation against the observer, including a violation involving assault or harassment of the observer while on board the fishing vessel, the Designating Member shall notify the Receiving Member and the Secretariat, and the Receiving Member shall:

- (i) investigate the event based on the information provided by the observer provider and take any appropriate action in response to the results of the investigation;
- (ii) cooperate fully in any investigation conducted by the Designating Member; and
- (iii) notify the Designating Member and the Secretariat of the results of its investigation and any actions taken.

9. Where requested, Designating and Receiving Members shall cooperate in each other's investigations, including, as appropriate and consistent with their domestic laws, by providing their incident reports, into any incidents involving observers described in paragraphs 1, 3, 4, or 5.

Rules for Access and Use of CCAMLR Data

Rules for Access and Use of CCAMLR Data

The following Rules for Access and Use of CCAMLR Data were adopted by the Twenty-Second Meeting of the Commission (CCAMLR-XXII, paragraphs 12.1 to 12.6)¹:

It is recognised that:

1. All data submitted to the CCAMLR Secretariat, and maintained by the CCAMLR Data Centre, shall be freely available to Members for analysis and preparation of documents for the Commission, Scientific Committee and their subsidiary bodies.
2. Such data may be analysed in respect of:
 - (a) work specifically outlined and endorsed by the Commission or Scientific Committee;
 - (b) work not specifically endorsed by the Commission or the Scientific Committee.
3. Inclusion of data, analyses or results from data held in the CCAMLR Data Centre into Working Papers, Background Papers, and any other documents tabled at meetings of the Commission, Scientific Committee or one of their subsidiary bodies does not constitute publication and therefore is not a release into the public domain.
4. Inclusion of data held in the CCAMLR Data Centre into the published reports of the Commission, Scientific Committee, Working Groups, *CCAMLR Science*, the *Statistical Bulletin* or any other CCAMLR publication constitutes release into the public domain.
5. Inclusion of data held in the CCAMLR Data Centre in any publication outside CCAMLR constitutes release into the public domain.
6. Subject to paragraphs (1) to (3), originators/owners of data have the right to:
 - (a) be consulted (including assignation of authorship) on the preparation, if necessary including publication, of documents describing analyses and interpretation of their data;
 - (b) approve the level of detail revealed in documents using their data;
 - (c) stipulate terms and/or levels of data security if necessary.

Accordingly,

7. Requests to the Secretariat for access and/or use of data maintained by the CCAMLR Data Centre by individual Member scientists/officials shall be approved in writing as appropriate by that Member's Commission Representative, Scientific Committee

¹ These rules replace those adopted at the Eleventh Meeting of the Commission (CCAMLR-XI, paragraph 4.35). The current 'Rules for Access to CDS Data' (CCAMLR-XIX, paragraph 5.23) should remain in place alongside the new standard rules until such times as all aspects of CDS data handling are duly taken into account in the new standard rules (CCAMLR-XXII, paragraph 7.22).

Representative, or CDS Officer in consultation with the Commission Representative. Members are responsible for informing individual scientists or individuals requesting data of the rules governing access and use of CCAMLR data and for obtaining agreement to comply with such rules.

8. Requests in support of analyses endorsed under (2)(a) above should include the type of data requested, the degree of data aggregation required, the spatial and temporal detail required, and the anticipated format to be used in presenting results of the analyses. For such requests, the Secretariat shall ensure that each request meets the conditions of the approval granted for the original endorsement, and, if so, release the data and inform the data owner(s)/originator(s) accordingly. Release of data by the Secretariat to the requestor does not constitute permission to publish or release data into the public domain. Such permission remains a matter to be determined between the requestor and the data originator(s).

9. Requests in support of non-endorsed analyses under (2)(b) above should include the information listed in (8) as well as details of the analytical procedures to be used and the opportunity for data owner(s)/originator(s) to be involved. For such requests, the Secretariat shall be satisfied that each request contains the required information before forwarding it to the data originator(s) for approval within a specified time period. Once approval has been received the Secretariat shall release the data. Release of data does not constitute permission to publish or for release into the public domain. Such permission remains a matter to be determined between the requestor and the data owner(s)/originator(s).

10. If approval for data release under (9) is not forthcoming within the specified period, the Secretariat shall initiate and facilitate consultation between the data requestor and data owner(s)/originator(s). The Secretariat shall not release data without the written approval of the data owner(s)/originator(s). Failure to achieve agreement shall be brought to the attention of the Scientific Committee and Commission.

11. The following statement shall be placed on the cover page of all Working Papers, Background Papers and any other papers tabled at meetings of the Commission, Scientific Committee or their subsidiary bodies:

‘This paper is presented for consideration by CCAMLR and may contain unpublished data, analyses, and/or conclusions subject to change. Data in this paper shall not be cited or used for purposes other than the work of the CCAMLR Commission, Scientific Committee or their subsidiary bodies without the permission of the originators and/or owners of the data.’

Rules for Access to Catch Documentation Scheme Data

Rules for Access to Catch Documentation Scheme Data

The following Rules for Access to the Catch Documentation Scheme for *Dissostichus* spp. (CDS) Data were adopted by the Nineteenth Meeting of the Commission (CCAMLR-XIX, paragraph 5.23)¹:

Contracting Parties

1. Access to CDS data by Contracting Parties shall generally be managed in accordance with the Rules for Access and Use of CCAMLR Data (*Basic Documents*, Part 11). National CDS contact officers and other authorised persons will have access to all CDS data, including *Dissostichus* catch documents (DCDs) via the website and other means. Authorised CDS persons will have access to data from the DCDs needed for the purpose of implementing the CDS.
2. All data concerning the landing and trade details of individual companies shall be aggregated, or encrypted, as appropriate, to protect the confidentiality of such information before it is made available to working groups of the Commission or Scientific Committee.

Non-Contracting Parties

3. Non-Contracting Parties shall be given only limited access to data in order to validate individual shipments (both to that country, and from that country). Further access shall not be provided and password-protected access and other precautions shall be taken as appropriate. Non-Contracting Parties should advise the Secretariat of their national CDS contact point(s) before any access to CDS information is granted.

¹ The Commission took into account the advice of the Standing Committee on Observation and Inspection (SCOI) that in considering the required Rules for Access of the Scientific Committee to CDS Data, the Commission should take into account the objectives of the data use, conditions for its release and its format (CCAMLR-XIX, Annex 5, paragraph 2.43).