

NWS Conditions - June 2019 - 2024

AREA OF WATERS

That part of the Australian Fishing Zone bounded by the line:

- a) commencing at the point of latitude 21° 39' 49.1" south, longitude 114° east (Point 1).
- b) Thence generally north-easterly along the geodesics sequentially connecting the following points:
 2. 21° 34' 58.2" south 114° 05' 34.2" east
 3. 21° 28' 50.2" south 114° 08' 26.2" east
 4. 21° 10' 16.8" south 114° 35' 10.8" east
 5. 21° 00' 13.8" south 114° 43' 58.8" east
 6. 20° 36' 56.0" south 114° 47' 35.0" east
 7. 20° 11' 37.8" south 114° 58' 46.8" east
 8. 19° 40' 35.8" south 115° 27' 14.8" east
 9. 19° 31' 04.8" south 115° 50' 28.8" east
 10. 19° 24' 17.4" south 115° 56' 32.4" east
 11. 19° 16' 58.8" south 116° 08' 01.8" east
 12. 19° 11' 52.8" south 116° 27' 58.8" east
 13. 19° 09' 58.8" south 116° 50' 01.8" east
 14. 19° 03' 04.8" south 117° 09' 31.8" east
 15. 18° 54' 06.6" south 117° 29' 55.8" east
 16. 18° 49' 31.2" south 117° 33' 46.2" east
 17. 18° 51' 15.5" south 117° 35' 12.5" east
 18. 18° 17' 51.3" south 118° 34' 16.8" east
 19. 18° 14' 33.3" south 118° 44' 10.8" east
 20. 18° 01' 16.8" south 119° 00' 22.8" east
 21. 17° 56' 10.8" south 119° 10' 07.8" east
 22. 17° 42' 04.8" south 120° 08' 10.8" east
 23. 17° 37' 52.8" south 120° 16' 16.8" east
 24. 17° 29' 55.8" south 120° 24' 49.8" east
 25. 17° 23' 55.8" south 120° 30' 22.8" east
 26. 17° 12' 49.8" south 120° 35' 46.8" east
 27. 17° 00' 13.8" south 120° 48' 40.8" east
 28. 16° 45' 40.8" south 120° 52' 16.8" east
 29. 16° 18' 49.8" south 120° 52' 46.8" east

30.	15° 48' 04.8" south	120° 59' 22.1" east
31.	15° 36' 26.4" south	121° 08' 50.4" east
32.	15° 23' 32.2" south	121° 26' 32.2" east
33.	14° 58' 43.8" south	121° 40' 34.8" east
34.	14° 54' 12.0" south	121° 55' 07.8" east
35.	14° 46' 52.8" south	122° 08' 46.8" east
36.	14° 25' 52.8" south	122° 34' 25.8" east
37.	14° 23' 10.8" south	122° 44' 28.8" east
38.	14° 14' 47.2" south	122° 51' 58.0" east
39.	14° 12' 53.4" south	123° 13' 54.9" east
40.	14° 04' 07.8" south	123° 24' 49.8" east
41.	14° 03' 04.8" south	123° 33' 49.8" east
42.	13° 57' 45.0" south	123° 40' 45.6" east
43.	13° 44' 05.1" south	123° 42' 42.1" east
44.	13° 36' 42.7" south	123° 38' 53.6" east
45.	13° 30' 58.8" south	123° 41' 10.8" east
46.	13° 31' 25.8" south	123° 44' 46.8" east
47.	13° 22' 52.8" south	123° 53' 10.8" east
48.	13° 21' 31.8" south	123° 52' 07.8" east
49.	13° 14' 37.8" south	123° 56' 01.8" east
50.	13° 09' 10.2" south	124° 06' 19.2" east
51.	13° 04' 43.8" south	124° 09' 49.8" east
52.	13° 02' 55.8" south	124° 08' 19.8" east
53.	13° 02' 37.8" south	124° 12' 04.8" east

c) Thence generally north-westerly, northerly, and westerly along the geodesics sequentially connecting the following points:

54.	12° 57' 58.8" south	124° 11' 01.8" east
55.	12° 55' 25.8" south	124° 14' 16.8" east
56.	12° 51' 31.8" south	124° 10' 34.8" east
57.	12° 50' 01.8" south	124° 13' 39.3" east
58.	12° 48' 40.8" south	124° 11' 37.8" east
59.	12° 42' 40.8" south	124° 13' 43.8" east
60.	12° 39' 27.3" south	124° 11' 42.3" east
61.	12° 49' 32.9" south	124° 02' 08.1" east

62. 12° 47' 34.9" south	123° 49' 49.2" east
63. 12° 45' 40.8" south	123° 49' 07.8" east
64. 12° 39' 58.8" south	123° 59' 01.8" east
65. 12° 36' 22.8" south	124° 00' 31.8" east
66. 12° 36' 13.8" south	123° 46' 25.8" east
67. 12° 33' 14.6" south	123° 43' 51.9" east
68. 12° 30' 16.9" south	123° 36' 46.7" east
69. 12° 26' 25.2" south	123° 34' 12.5" east
70. 12° 23' 21.4" south	123° 26' 24.2" east
71. 12° 23' 06.6" south	123° 11' 55.5" east
72. 12° 22' 12.6" south	123° 12' 05.6" east

- d) Thence north-easterly along the geodesic to its intersection with the line twelve nautical miles seaward of the baseline from which the breadth of the territorial sea is measured around Ashmore Islands being the point closest to latitude 12° 17' 40.7" south, longitude 123° 21' 19.3" east (Point 73);
- e) Thence generally north-easterly, northerly, north-westerly, westerly, south westerly, southerly and south-easterly along the line every point on which is twelve nautical miles seaward of the baseline from which the breadth of the territorial sea is measured, around Ashmore Islands, to the point of latitude 12° 29' 52.12" south, longitude 123° 06' 08.36" east (Point C);
- f) Thence south-westerly along the geodesic to the point of latitude 12° 30' south, longitude 123° 06' east
- g) Thence south-westerly along the geodesic to the point of latitude 13° 15' south, longitude 121° 49' east (Point Z87);
- h) Thence south-westerly along the geodesic to the point of latitude 13° 56' 31.7" south, longitude 120° 00' 46.9" east (Point Z88);
- i) Thence north-westerly along the arc of a circle with a radius of 200 nautical miles drawn through the following points to the point of latitude 13° 40' 34.1" south, longitude 119° 28' 46.1" east (Point Z92)
- | | |
|--------------------------|---------------------|
| Z89. 13° 53' 03.7" south | 119° 52' 30.7" east |
| Z90. 13° 49' 14.5" south | 119° 44' 24.5" east |
| Z91. 13° 45' 04.5" south | 119° 36' 29.3" east |
- j) Thence north-westerly along the geodesic to the point of latitude 13° 36' 30.2" south, longitude 119° 22' 08.7" east (Point Z93);
- k) Thence north-westerly along the arc of a circle with a radius of 200 nautical miles drawn through

the following points to the point of latitude 13° 18' 43.8" south, longitude 118° 32' 28.3" east (Point Z99):

Z94. 13° 34' 26.1" south	119° 13' 33.5" east
Z95. 13° 32' 00.1" south	119° 05' 04.4" east
Z96. 13° 29' 12.5" south	118° 56' 42.4" east
Z97. 13° 26' 03.7" south	118° 48' 28.4" east
Z98. 13° 22' 34.0" south	118° 40' 23.4" east

- l) Thence north-westerly along the arc of a circle with a radius of 200 nautical miles to its intersection with the AFZ closest to the point of latitude 13° 15' 20.3" south, longitude 118° 26' 07.1" east (Point 74);
- m) Thence generally south-westerly and southerly along the outer limit of the AFZ to the intersection with the meridian of longitude 114° east closest point of latitude 17° 11' 38.5" south, longitude 114° east (Point 75); and
- n) Thence south along that meridian to the point of commencement.

Conditions applying to this Fishing Permit

In addition to the conditions specified by sub section 32(5) of the *Fisheries Management Act 1991*, and the condition in sub section 42(2) to comply with any log book determination, and the condition to comply with any Direction under s41A in accordance with sub section 32(7A), the following conditions are specified for the purposes of sub section 32(6) sub paragraph (a)(i):

Note: Under sub section 32(8) these conditions may be varied, revoked or a further condition specified by written notice from AFMA.

By s42B(2) of the Act, Regulations may prescribe conditions that apply to fishing concessions. Regulations have been prescribed in the *Fisheries Management Regulations 1992* providing conditions that apply to this fishing concession in particular:

Regulation 9AB:	Nominated boat must be used on trip.
Regulation 9D:	Concession holder to ensure that vessel monitoring system is operational.
Regulation 9F:	Concession holder to ensure provision for observer and equipment to be carried.
Regulation 9G:	Concession holder to ensure observer enabled to perform functions.
Regulation 9I:	Fish to be disposed of to fish receiver permit holder.*
Regulation 9J - 9ZL:	Catch limits.*
Regulation 9ZO:	Prohibited ways of processing fish.
Regulation 9ZP:	Removal of shark liver.
Regulation 9ZS:	No interaction with protected organism.
Regulation 9ZT:	Recording and reporting interaction with protected organism.
Regulation 9ZU:	Reporting interaction with protected organism if protected organism injured.
Regulation 9ZV:	Reporting interaction with protected organism if protected organism killed.

* not applicable to some concessions

AREA LIMITATION

1. The holder must not fish under this concession outside the area of waters described in this document.

GEAR LIMITATION

2. This concession authorises the use of the following gear only:
 - (a) Trawl.

The trawl net must not have a codend mesh size that exceeds 50 millimetres.

TRANSHIPPING OBLIGATIONS

3. The holder may tranship fish taken by the nominated boat to other boats authorised to receive fish in the area specified in this concession.
4. The holder may carry fish received from boats authorised to trawl in the area specified in this concession.

TAKING/CARRYING SHARK OBLIGATIONS

5. The holder must not take deepwater dogfishes of the following species - Harrissons Dogfish (*C. harrissoni*), Endeavour Dogfish (*C. moluccensis*), Southern Dogfish (*C. zeehaani*) and Greeneye Spurdog (*Squalus chloroculus*) - unless;
 - (a) for trips under 6 days the combined amount of these species taken does not exceed 15kg whole weight per day; or
 - (b) for trips over 6 days the combined amount of these species taken does not exceed 90kg whole weight per trip.

In this condition;

- one day is a 24 hour period that commences at 00.01 hours UTC + 10.
- the weights in clauses (a) and (b) apply to all deepwater dogfish of the species specified, including those returned to the water whether alive or dead.

Deepwater dogfishes of the species specified in this condition that are taken alive, must be returned to the water carefully and quickly.

OBSERVER REQUIREMENTS

6. If the holder fishes in the area described in Schedule 2 (area of waters shallower than 200 metres) the holder must carry an AFMA observer on board the nominated boat.
7. For all other fishing trips under this fishing permit the holder must, if requested by AFMA, arrange for the carriage of fishery observers (observers) on the nominated boat.
8. The holder must ensure that the observer is given reasonable access to all areas and facilities of the boat required to collect data, samples, video footage, photographs and other information required to permit independent assessment of the boat's fishing activities.

9. The holder must ensure that the observer is provided with a satisfactory standard of accommodation, meals, medical care and a safe and healthy living and working environment in which the observer is free from harassment and undue influence.
10. The holder must make the boat's communication facilities available with reasonable daily access to allow the observer to make scheduled communications.
11. The holder must contact the AFMA Western Deepwater Trawl Fishery Manager on (02) 6225 5555 (business hours) or the Observer duty phone on 0427 016 859 (after hours) to arrange for an observer placement as soon as possible and at least 72 hours prior to departure.

Note: The holder is required to meet the cost of observers. Failure to meet these costs in full may result in this fishing permit being suspended and/or cancelled.

MOVE ON PROVISIONS

12. For the area of the fishery defined in Schedule 2, if the holder takes more than 50 kilograms of coral and/or sponge in any one shot, then the holder must cease fishing on the nominated boat immediately and not fish at any point within a five nautical mile radius of that shot for five days. As soon as practicable, but in any event no later than 24 hours after the take of 50 kilograms of coral or sponge in any one shot, the holder must notify AFMA's Licensing section. The notification must include details of the shot including the location of the shot. The notice may be made by phone on 1300 723 621 or by email on licensing@afma.gov.au.
13. Upon receipt of a notice from AFMA advising that a 50 kilogram limit has been triggered by any boat in the fishery, the holder is prohibited from fishing within five nautical miles of the shot that triggered the limit from the time of receiving the notification for a period of five days.

Note: For the purposes of these conditions, the precise geographic position of the shot will be determined by the midpoint of the path between the start and end point of the trawl for the purposes of catch and effort reporting.

OTHER OBLIGATIONS

14. If a boat is nominated to this concession, at all times when the boat is being used under this concession, the holder must have provided to AFMA a current emergency contact facility for the nominated boat.
15. An emergency contact facility must enable AFMA to contact the boat immediately and directly at any time when the boat is at sea, including in the event of an emergency.
16. AFMA must be notified immediately of any change in contact details, by fax sent to (02) 6225 5426 or by email to licensing@afma.gov.au and the boat must not depart on a fishing trip unless AFMA has been so notified of the change in contact details.

Note: The emergency contact facility may take the form of a satellite phone number, or skipper or crew member's mobile phone number - any number that may be used by AFMA to contact the boat while it is at sea at any time, including in the event of an emergency.

AGENT OBLIGATIONS

17. The holder accepts concurrent liability for all conduct by its servants or agents infringing the *Fisheries Management Act 1991* (or the Regulations, Management Plans or concession conditions made by virtue of that Act) who may be engaged by the holder to conduct on the

holder's behalf activity under this concession.

18. Liability for the conduct of the holder's servants or agents arises, even if the conduct may be, or actually is, beyond the scope of the servant or agent's actual or apparent authority where it is a breach that occurs during the conduct of activity authorised by this concession.
19. The holder may avoid concurrent liability for conduct whilst conducting activity under this concession if, but only if, the holder can establish that the infringing conduct could not possibly have been prevented by any action or precaution that the holder might have reasonably taken.
20. The giving of an indemnity by the servant or agent to the holder for any penalties incurred by the holder, for infringing conduct by the servant or agent is not, of itself, a reasonable precaution to prevent infringing conduct.

TEMPORARY ORDER OBLIGATIONS

21. The holder must comply with any Temporary Order made under sub section 43(2) of the *Fisheries Management Act 1991* and to the extent that any provision herein is inconsistent with such Temporary Order sub section 43(9) provides that the provision herein is overridden by the Temporary Order until the Temporary Order ceases to have effect.

NAVIGATING IN CLOSED ZONES

22. AFMA may suspend this concession in accordance with this condition, pursuant to section 38(1)(c) of the *Fisheries Management Act 1991*, if it reasonably appears by VMS transmission from the nominated boat, that there is a failure by that boat while in a closed zone for the purposes of regulation 37B of the *Fisheries Management Regulations 1992*, to meet the exempting provisions of sub regulations 37C(2), or (3) or sub regulation 37D(2) or (3). Such suspension will then continue until the concession holder provides a full written explanation, to the satisfaction of the delegate responsible for issuing that suspension, of the lawful reason for the boat being in that closed zone at that time, or until the expiration of the suspension under sub section 38(2); whichever is the earlier.

MANDATORY AFMA SUPPLIED VMS

23. Direction to Fit

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

2. When directed by AFMA in writing, the concession holder (or a person acting on the holder's behalf) must;
 - a. make available, within 14 days of the date of the direction, the boat nominated to this concession for the purposes of removal of the AFMA VMS unit by an AFMA approved technician, and
 - b. Provide all reasonable assistance to the AFMA approved technician.

Concession holder must not interfere with AFMA VMS Unit

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

Definitions:

AFMA VMS Unit Means a Vessel Monitoring System (VMS) unit wholly owned by AFMA, marked with AFMA identifications and supplied by AFMA and fitted by an AFMA approved technician.

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

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

Notes

Must Make boat available - Where the boat is not made available in accordance condition 23 1 (a) or 23 2(a), AFMA may suspend this concession pursuant to section 38(1)(c) of the Fisheries Management Act 1991.

Must maintain VMS Unit - Regardless of AFMA's decision to fit an AFMA VMS unit, the holder must continue to maintain a VMS unit in accordance with regulation 9D of the Fisheries Management Regulations 1992.

Remains the property of AFMA - At all times the AFMA VMS unit remains the sole property of AFMA. The holder is liable for any costs incurred as a result of loss or damage to the unit.

HANDLING AND TREATMENT OF BYCATCH

24. The concession holder (or a person acting on the holder's behalf) must not mistreat bycatch.

Definitions:

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

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

any bycatch.

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

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

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