

## WESTERN DEEPWATER TRAWL FISHERY GENERAL CONDITIONS - JUNE 2019 - 24

### AREA OF WATERS

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

- a) commencing at the point of latitude 21° 37' south, longitude 114° east (Point 1).
- b) Thence generally south-westerly, southerly and south-easterly along the geodesics sequentially connecting the following points:

2.	21° 41' south	113° 57' east
3.	21° 48' south	113° 51' east
4.	22° 01' south	113° 47' east
5.	22° 12' south	113° 45' east
6.	22° 50' south	113° 26' east
7.	23° 20' south	113° 13' east
8.	23° 36' south	113° 02' east
9.	24° 06' south	112° 37' east
10.	24° 25' south	112° 25' east
11.	24° 39' south	112° 19' east
12.	25° south	112° 14' east
13.	25° 33' south	112° 12' east
14.	26° south	112° 18' east
15.	26° 24' south	112° 30' east
16.	26° 50' south	112° 44' east
17.	27° 20' south	112° 55' east
18.	27° 55' south	113° 10' east
19.	28° 35' south	113° 29' east
20.	29° south	113° 46' east
21.	29° 54' south	114° 25' east
22.	29° 54' south	114° 27' 19.6" east
23.	29° 56' 10.8" south	114° 28' 55.4" east
24.	30° 42' 40.8" south	114° 42' 57.9" east
25.	31° 10' 31.2" south	114° 55' 22.2" east
26.	31° 33' 14.7" south	115° 00' 10.8" east
27.	31° 44' 26.0" south	115° 01' 42.8" east

28. 31° 58' 03.3" south            115° 14' 33.3" east
29. 32° 20' 01.2" south            115° 05' 16.1" east
30. 32° 53' 37.8" south            114° 42' 00.3" east
31. 33° 00' 00.0" south            114° 39' 24.7" east
32. 33° 00' 00.0" south            114° 38' 07.1" east
33. 33° 10' south            114° 34' east
34. 33° 30' south            114° 29' east
35. 34° south            114° 27' east
36. 34° 20' south            114° 30' east
37. 34° 41' south            114° 40' east
38. 34° 52' south            114° 50' east
39. 34° 58' south            115° east
40. 35° 01' south            115° 08' east

- c) Thence south along the meridian of longitude 115° 08' east to its intersection with the Australian Fishing Zone at the closest point of latitude 38° 14' 17.8" south (Point 41);
- d) Thence generally north-westerly, northerly and north-easterly along the outer limit of the Australian Fishing Zone to its intersection with the meridian of longitude 114° east, closest to point of latitude 17° 11' 38.5" south, longitude 114° east (Point 42); and
- e) Thence south along that meridian of 114° back 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 gear.

#### **TRANSHIPPING OBLIGATIONS**

3. The holder may:
  - (a) Tranship fish taken by the nominated boat to other boats authorised to receive fish in the area specified in this concession; and
  - (b) carry fish taken from other boats authorised to take fish in the area specified in this concession.

#### **TAKING/CARRYING SHARK OBLIGATIONS**

4. 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.

#### **OTHER OBLIGATIONS**

5. 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.
6. 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.

7. 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](mailto: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**

8. 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.
9. 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.
10. 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.
11. 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.

#### **OBSERVER REQUIREMENTS**

12. For all 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.
13. 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.
14. 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.
15. The holder must make the boat's communication facilities available with reasonable daily access to allow the observer to make scheduled communications.
16. 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.*

#### **TEMPORARY ORDER OBLIGATIONS**

17. 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**

18. 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**

##### 19. 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 19 1 (a) or 19 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**

20. 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.).