

WESTERN DEEPWATER TRAWL FISHERY GENERAL CONDITIONS - JUNE 2024-29

Conditions applying to this Fishing Permit

In addition to the conditions specified by subsection 32(5) of the *Fisheries Management Act 1991* (the Act), and the condition in section 40C to comply with any electronic monitoring direction, and the condition in subsection 42(2) to comply with any logbook determination, and the condition to comply with any Direction under s41A in accordance with subsection 32(7A), the following conditions are specified for the purposes of subsection 32(6) subparagraph (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 section 42B(1) of the Act, Regulations may prescribe conditions that apply to fishing concessions. Regulations have been prescribed in the *Fisheries Management Regulations 2019* providing conditions that apply to this fishing concession in particular:

Regulation 33:	Nominated boat must be used on trip.
Regulation 37:	Concession holder to ensure that vessel monitoring system is fitted and operating.
Regulation 39:	Requirement to carry observer.
Regulation 40:	Concession holder to ensure provision for observer and equipment.
Regulation 41:	Concession holder to ensure observer is able to perform functions.
Regulation 43:	Fish to be disposed of to fish receiver permit holder.*
Regulation 67:	Prohibited ways of processing fish.
Regulation 68:	Removal of shark liver.
Regulation 70:	No interaction with protected organism.
Regulation 71:	Reporting interaction with protected organism.
Regulation 72:	Requirements if protected organism is injured by interaction.
Regulation 73:	Requirements if protected organism killed by interaction.

Area of Waters

1. This concession is granted for the area of waters specified in Part 7 of Schedule 2 of the *Fisheries Management Regulations 2019*.

Area Limitation

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

Gear Limitation

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

Taking/Carrying Shark Obligations

4. The holder must not take deepwater dogfishes of the following species - Harrison's Dogfish (*Centrophorus 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 midnight.
- 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

5. When directed by AFMA to carry an observer the holder must give the AFMA Observer Section at least 72 hours' notice of an intention to depart on a fishing trip by telephone (02 6225 5344 or 0427 496 446) or by email: observers@afma.gov.au.

Other Obligations

6. The holder must provide AFMA with a current emergency contact facility at all times when a nominated boat is being used under this concession
7. 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.
8. AFMA must be notified immediately of any change in contact details, by fax sent to (02) 6225 5440 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

9. The holder accepts concurrent liability for all conduct by its servants or agents infringing the Act (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
10. 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.
11. 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.
12. 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.
13. The holder must ensure the master of the boat fishing under the authority of this concession is nominated as an authorised agent for the holder **before** any fishing operation may take place.
 - a) The holder must ensure the authorised agent signing the determined *Daily Fishing logbook page was the master of the boat (skipper) at the time the recorded fishing operation took place.
 - b) The holder may sign the determined *Daily Fishing logbook page if they were the master of the boat (skipper) when the recorded fishing operation took place.
 - c) If more than one master of the boat is on board the boat during the fishing trip, each master must complete and sign a separate determined *Daily Fishing logbook page for each of the fishing operations for which they had control over.

**These instructions are for all determined Daily Fishing Logs including e-Logs.*

Direction obligations

14. The holder must comply with any Direction that fishing is not to be engaged in in the fishery, or a particular part of the fishery or during a particular period or periods made under subsection 41A of the Act.

Temporary Order Obligations

15. 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

16. AFMA may suspend this concession in accordance with this condition, pursuant to section 38(1)(c) of the Act, 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 85 of the Regulations, to meet the exempting provisions of regulations 86(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 section 38(2) and 38(3) of the Act; whichever is the earlier.

Mandatory AFMA supplied VMS

Direction to Fit

17. 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.

18. 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

19. 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.

For the purpose of these conditions, **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.

For the purpose of these conditions, **Interfere** includes, but is not limited to;

- a) physical obstruction or removal of the AFMA VMS unit, or
- b) deliberately disconnecting or otherwise interfering with the power supply to the AFMA VMS unit, or
- c) 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 with conditions 17 (a) or 18 (a), AFMA may suspend this concession pursuant to section 38(1)(c) of the Act.

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 37 of the Regulations.

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.

For the purpose of these conditions, **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.

For the purpose of these conditions, **Bycatch** means any species that physically interact with fishing boats 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*.

Note 1: 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.).