

Attachment A

WTBF Boat SFR Conditions amended 01 May 2026

AREA OF WATERS

1. This Statutory Fishing Right is granted for the area of waters described as:
 - (a) the areas specified in clauses 1 and 2 of Schedule 1 of the *Western Tuna and Billfish Fishery Management Plan 2005*; and
 - (b) those parts of the high seas that are within the area of competence of the Indian Ocean Tuna Commission (IOTC) (hereinafter referred to as "the Convention Area") and west of 141 degrees E as specified in clause 3 of Schedule 1 of the of the *Western Tuna and Billfish Fishery Management Plan 2005*.
2. The holder must not fish under this Statutory Fishing Right outside the area of waters described in paragraph 1 of these Statutory Fishing Right conditions.

CONDITIONS APPLYING TO THIS STATUTORY FISHING RIGHT

In addition to the conditions specified by subsection 22(3) of the *Fisheries Management Act 1991* (the Act), and the condition in subsection 42(2) to comply with any logbook determination, the condition to comply with any Direction under section 41A and the condition to comply with section 42A requiring facilitating boarding and cooperating with inspection by foreign officials outside the Australian Fishing Zone (AFZ) under the Fish Stocks Agreement, the following conditions are specified for the purposes of subsection 22(4) paragraph (a) of the Act.

Note: Under sub section 22(5) these conditions may be varied, revoked or a further condition specified by written notice from AFMA.

In addition to the above, the holder must comply with all the obligations prescribed in the *Western Tuna and Billfish Fishery Management Plan 2005* in particular:

Section 15 titled Who may engage in commercial fishing in the fishery; and
Section 38 titled Obligations of holders of SFRs.

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 44-65: | Catch limits. * |
| 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. |

Regulation 86: Navigating in area that is a closed zone.

* not applicable to some concessions

MOVEMENT LIMITATIONS

3. While the holder is fishing in the Convention Area as detailed in 1(b) of the area of waters, the holder must not intentionally fish within 1 nautical mile of a data buoy or intentionally interact with a data buoy.
4. Interacting with a data buoy includes, but is not limited to, encircling the buoy with fishing gear; tying up to or attaching the boat, or any fishing gear, part or portion of the boat, to a data buoy or its mooring; or cutting a data buoy anchor line.
5. If the holder unintentionally comes into contact with a data buoy while fishing they must remove any entangled fishing gear with as little damage to the data buoy as possible.
6. While the holder is fishing in the Convention Area, the holder must not take on board a data buoy while engaged in fishing for tuna and tuna-like species in the IOTC area of competence, unless specifically authorised or requested to do so by the IOTC Member or owner responsible for that buoy.
7. The holder must report any data buoys observed to be damaged to AFMA. The report must be sent by fax (02 6225 5440) or email (monitoring@afma.gov.au) and include:
 - (a) The date of observation;
 - (b) The buoy location; and
 - (c) Any discernable identifying information contained on the data buoy.

Note: Data buoys are defined as floating devices, either drifting or anchored, that are deployed by governmental or recognised scientific organisations or entities for the purpose of collecting and measuring environmental data, and not for the purposes of fishing activities.

8. If the holder is using the pelagic longline method and is intending on entering the area of the Western Tuna and Billfish Fishery (WTBF) East of Longitude 129°00' the holder must:
 - (a) before leaving port, hold at least 2000kg of uncaught Southern Bluefin Tuna quota nominated to the same boat which is nominated to this Statutory Fishing Right.

APPLICABLE BOAT

9. The holder must not use a boat to fish on the high seas unless:
 - (a) The boat nominated to this concession is legibly marked with the international radio call sign of the boat;
 - (b) The boat nominated to this concession has the call sign shown:
 - (i) either:
 - (A) by white characters on a black background; or
 - (B) by black characters on a white background; or
 - (C) by black characters on a background of international safety yellow;
 - (ii) the characters are in Roman capital letters, or Arabic numerals, without ornamentation;

and

- (iii) where the boat is less than 20 metres long the characters:
 - (A) are at least 50 centimetres high; and
 - (B) consist of strokes at least 6.25 centimetres wide;
- (iv) where the boat is at least 20 metres long, the characters:
 - (A) are at least 1 metre high; and
 - (B) consist of strokes at least 12.5 centimetres wide;
- (c) Prior to unloading in a foreign port, the holder must seek approval from AFMA to unload any fish in that foreign port. The approval may be sought by contacting AFMA Licensing by fax on (02) 6225 5440 or by email to licensing@afma.gov.au;
- (d) At least 48 hours prior to entering a foreign port for the purposes of unloading, provide AFMA with the following information via email to VMSreporting@afma.gov.au or fax (02) 6225 5440:
 - (i) the name and international distinguishing symbol of the boat;
 - (ii) the proposed foreign port or ports of unloading;
 - (iii) the estimated time and date the boat will arrive at that foreign port; and
 - (iv) the quantities (weight) of all species on board the boat.
- (e) The holder must comply with the following:
 - (i) ensure all fishing gear remains stowed and secured when transiting any other country's Exclusive Economic Zone;
 - (ii) where the boat has entered any foreign fishing jurisdiction from the high seas with an intention of mooring in port, the boat must travel to port by the most direct route possible, unless approval for fishing within that jurisdiction has been obtained from that country in respect of the boat;
 - (iii) where the boat leaves any foreign port, the boat must travel directly to the high seas by the most direct route possible unless approval for fishing within that jurisdiction has been obtained from that country in respect of the boat;
 - (iv) not to engage in fishing activity within any foreign fishing jurisdiction during a trip unless approval for fishing within that jurisdiction has been obtained from that country in respect of the boat; and
 - (v) not to engage in any unloading activity within any foreign port unless an approval for unloading within that foreign port has been obtained from that country in respect of the boat.

CONCURRENT CONDITIONS

10. This Statutory Fishing Right must only be used in conjunction with another concession held by the same holder namely a Western Tuna and Billfish Fishery Quota Statutory Fishing Right (“that other concession”) such that:

- (a) The conditions of that other concession apply (to the extent those conditions are not inconsistent and are capable of doing so) as conditions of this Statutory Fishing Right.
- (b) A breach, suspension or cancellation of that other concession is a breach, suspension or cancellation of this Statutory Fishing Right.
- (c) The conditions of this Statutory Fishing Right apply (to the extent these conditions are not inconsistent and are capable of doing so) as conditions of that other concession while it is being used in conjunction with this Statutory Fishing Right.
- (d) A breach, suspension or cancellation of this Statutory Fishing Right is a breach, suspension or cancellation of that other concession.

TRANSHIPPING LIMITATION

- 11. The holder must not tranship fish taken with the use of the nominated boat to another boat.
- 12. The holder must not carry fish taken by another boat on the nominated boat.

GEAR LIMITATION

- 13. This concession authorises the use of the following gear only:
 - (a) Gear specified in subsection 15(1) of the *Western Tuna and Billfish Fishery Management Plan 2005*.
- 14. The holder must ensure that:
 - (a) hooks are not connected to longline gear using wire or wire traces; and
 - (b) large circle hooks are used when fewer than eight hooks per float are set.
- 15. The holder must ensure that offal (including discarded bait) is not discharged when longline hooks are being deployed.
- 16. The holder must ensure that offal (including discarded bait) is not discharged when longline hooks are being hauled unless:
 - (a) the offal is discharged on the opposite side of the boat to the side where the longlines are being hauled; or
 - (b) the holder has received written approval from AFMA to discharge the offal in accordance with an alternative method that mitigates the risk of seabird bycatch caused by the discharge of offal during hauling.
- 17. The holder must ensure that the nominated boat carries on board at all times the items set out in conditions 17 (a) – (c) and that these items meet the specifications in Table 1:
 - (a) a minimum of two assembled tori lines;
 - (b) a minimum of one dehooking device (for each size of hook carried on the nominated boat) suitable for removing a hook; of that size and

- (c) a minimum of one line cutting device.

Table 1: Specifications for items required under condition 17.

| | Item | Specifications |
|----|-------------------------------------|---|
| 1. | tori line, 17(a) | <ul style="list-style-type: none"> (i) is a minimum of 100 meters in length (ii) uses an additional towed line, material or object to create drag; and (iii) has streamers attached with a maximum interval between the streamers of 3.5 metres. |
| 2. | dehooking device, 17(b) | <ul style="list-style-type: none"> (i) is designed and used for the purpose of enabling hooks embedded in bycatch species to be removed with minimum damage to the fish or protected species; (ii) enables the hook to be secured and the barb shielded so that the barb does not re-engage with the fish or protected species while the hook is being removed; (iii) is blunt with all edges rounded; and (iv) has a shaft with a minimum of 1.5 metres in length. |
| 3. | line cutting device, 17(c) | <ul style="list-style-type: none"> (i) is constructed to allow the line to be cut as close to the hook as possible; (ii) has its blade enclosed in a blunt rounded (arc-shaped) cover with the hook exposed on the inside of the arc; and (iii) has a shaft with a minimum of 1.5 metres in length. <p><i>Note: the purpose of (ii) is to protect the user of the line cutting device from injury.</i></p> |

Additional seasonal and area-specific gear limitations

18. In addition to conditions 13-17, when fishing south of 25°S, the holder must ensure that:
- (a) non-frozen baits are attached to the hooks;
 - (b) when performing fishing operations between the hours of nautical dawn and nautical dusk, a separate tori line is deployed at each point at which hooks enter the water before any longline enters the water;
 - (c) all tori lines:
 - (i) comply with the specifications in Table 1 at condition 17;
 - (ii) are deployed from a position on board the nominated boat when in use; and
 - (iii) remain above the water surface for a minimum of 75 metres from the stern of the nominated boat when in use; and
 - (iv) is maintained to ensure all streamers are as close to the water surface as possible.
 - (d) all longlines are set with each branch line having:

- (i) 40 g or greater attached within 0.5 m of each hook; or
- (ii) 60 g or greater attached within 3.5 m of each hook; or
- (iii) 98 g or greater attached within 4.0 m of each hook; or
- (iv) an ACAP best practice hook shielding device deployed directly to each hook; or
- (v) an alternative line weighting mechanism, provided the nominated boat is carrying written approval from AFMA to use that alternative mechanism.

TUNA PROCESSING REQUIREMENTS

19. The holder must comply with the following processing requirements:

Tuna other than northern bluefin tuna or billfish

- (a) The caudal keel must not be removed from the carcass before the fish is landed and received by a fish receiver permit holder; and

Billfish other than broadbill swordfish (*Xiphias gladius*)

- (b) None of the following may be removed from the carcass before the fish is landed and received by a fish receiver permit holder:
 - (i) the caudal keel;
 - (ii) a dorsal, pectoral or anal fin.

CATCH HANDLING

20. The holder must bring all catch that is intended to be released or discarded as close as practical to the fish door and within view of the electronic monitoring cameras before it is released or discarded unless doing so would impact the safety of the boat and or its crew.

SEABIRD INTERACTION OBLIGATIONS

Triggers and mitigation measures

- 21. If AFMA notifies the SFR holder that the nominated boat is currently exceeding the Trigger Seabird Bycatch Rate in any TAP Area listed in Table 2 **and** one or both of the corresponding triggers in Table 2 has occurred, then the SFR holder must nominate and implement one of the measures listed in the “Level 1 Mitigation Measures” column of Table 2.
- 22. If the SFR holder is required under condition 21 to nominate and implement a Level 1 Mitigation Measure on the nominated boat, and that nominated boat then catches one or more seabirds in a TAP Area where the nominated boat is exceeding the Trigger Seabird Bycatch Rate, then the SFR holder must nominate and implement one of the measures listed in the “Level 2 Mitigation Measures” column of Table 2.

Table 2: Spatial seabird interaction triggers and management responses.

| TAP Area | Trigger 1 | Level 1 Mitigation Measures | Level 2 Mitigation Measures |
|-------------------------------------|---|---|---|
| 25°S-30°S during any TAP Season | has a recent history of exceeding the Trigger Seabird Bycatch Rate or has caught 10 or more seabirds across all TAP Areas during the current TAP Season. | any of the following measures that the SFR holder is not already required to implement: (a) cease fishing; (b) hook shielding; (c) mitigation line weighting; (d) night setting; (e) northern shift; (f) no live bait; (g) relocate north. | any Level 1 Mitigation Measure that the SFR holder has not already nominated as a Level 1 Mitigation Measure. |
| 30°S-35°S during any TAP Season | | | |
| 35°S-40°S during any TAP Season | | | |
| South of 40°S during any TAP Season | | | |

Note: The mitigation measures and 'recent history of exceeding the Trigger Seabird Bycatch Rate' are defined at the end of this section. For guidance on the application of this table, refer to the relevant section of the Management Arrangements Booklet.

Ending, changing and reimplementing mitigation measures

23. If the SFR holder is required to implement mitigation measures under conditions 21 or 22, the SFR holder must implement the mitigation measure(s) in each TAP Area for as long as the nominated boat exceeds the Trigger Seabird Bycatch Rate in that TAP Area, until the current TAP Season ends.

Note: for the avoidance of doubt, if the SFR holder ceases to implement a mitigation measure because the nominated boat's Seabird Bycatch Rate is below the Trigger Seabird Bycatch Rate, the SFR holder must re-implement the mitigation measure if the nominated boat's Seabird Bycatch Rate exceeds the Trigger Seabird Bycatch Rate again.

24. The SFR holder may only cease to implement mitigation measures required under conditions 21-23 in a given TAP Area if AFMA has notified the SFR holder that the nominated boat no longer exceeds the Trigger Seabird Bycatch Rate in that TAP Area.
25. If the SFR holder has nominated one or more mitigation measures to satisfy a requirement under conditions 21-23, the SFR holder may request to change its nominated mitigation measure(s), and may only change its nominated mitigation measure(s) with AFMA's approval.

In these conditions:

25°S, 30°S, 35°S and 40°S mean the parallels of latitude 25, 30, 35 and 40 degrees South respectively.

ACAP best practice hook shielding device means a device assessed as best practice by the Agreement on the Conservation of Albatrosses and Petrels (ACAP) as reported in the document titled “ACAP 2024 Summary Advice for Reducing the Impact of Pelagic Longline Fisheries on Seabirds. Reviewed at the Fourteenth Meeting of the Advisory Committee Lima, Peru, 12 - 16 August 2024”.

Caught seabird means a seabird that is hooked or entangled in fishing gear, regardless of whether the seabird is landed on board the nominated boat.

Cease fishing means to cease fishing using longline for the remainder of the current TAP Season.

Hook shielding means to deploy ACAP best practice hook shielding devices on all hooks.

Mitigation line weighting means to implement line weighting of:

- (a) 40g or greater attached within 0.5 metre of the hook; or
- (b) 60g or greater attached within 1 metre of the hook; or
- (c) 80 g or greater attached within 2 m of the hook.

Nautical dusk means the ending of evening nautical twilight and is defined as the instant in the evening, when the centre of the Sun is at a depression angle of twelve degrees (12°) below an ideal horizon.

Nautical dawn means the beginning of morning nautical twilight and is defined as the instant in the morning, when the centre of the Sun is at a depression angle of twelve degrees (12°) below an ideal horizon.

Note: for the purposes of these conditions, nautical twilight times can be calculated on the Geoscience Australia website at the following link:

<https://geodesyapps.ga.gov.au/sunrise>

Night setting means to only set longlines during the hours of darkness between the times of nautical dusk and nautical dawn.

No live bait means, for a nominated boat using live bait, to cease the use of live bait.

Nominated boat means the boat nominated to this concession.

Northern shift means to shift fishing operations to an area of operations at least 5 degrees north of the most northerly seabird interaction with the nominated boat in the current TAP Season, as verified and notified by AFMA.

Quota species has the same meaning as quota species in the applicable management plan for which this concession has been granted and established under the *Fisheries Management Act 1991*

Seabird Bycatch Rate in a given TAP Area means the number of caught seabirds per 1,000 hooks set in that TAP Area.

Trigger Seabird Bycatch Rate in a given area means a Seabird Bycatch Rate of 0.05 caught seabirds per 1,000 hooks set in that TAP Area.

A nominated boat **has a recent history of exceeding the Trigger Seabird Bycatch Rate** if the nominated boat's Seabird Bycatch Rate in any TAP Area exceeded 0.05 at the conclusion of any of the previous four TAP Seasons (irrespective of whether the nominated boat fished during those four TAP Seasons).

Relocate north means to shift fishing operations to an area north of 25°S.

TAP Area means each of the four fishing areas south of 25°S, specifically the 25°S-30°S TAP Area, the 30°S-35°S TAP Area, the 35°S-40°S TAP Area, and the TAP Area south of 40°S.

TAP Season means either a Summer TAP Season or a Winter TAP Season.

Summer TAP Season for a given year means the period from 1 September to 30 April.

Winter TAP Season for a year means the period from 1 May to 31 August of that year.

BUOYS AND RADIO BEACONS

26. The holder must ensure that the distinguishing symbol of the boat is displayed above the water line of each radio beacon and every tenth buoy attached to the boat's pelagic longline.

SPECIES LIMITATIONS

27. If the holder takes a Northern Pacific Bluefin Tuna or Southern Bluefin Tuna then they must:
- (a) report to AFMA at email northernbluefin@afma.gov.au (or to fax 02 6225 5440 if email is not possible) at least one hour prior to the boat mooring or anchoring at port the following information:
 - (i) NBT/SBT report;
 - (ii) the name of the boat;
 - (iii) distinguishing symbol of the boat;
 - (iv) port of landing;
 - (v) date and time of landing;
 - (vi) number and weight of Northern Pacific Bluefin Tuna on board;
 - (vii) number and weight of Southern Bluefin Tuna on board.
 - (b) determine whether the fish is a Northern Bluefin Tuna or Southern Bluefin Tuna:
 - (i) if the Bluefin Tuna was taken north of 28 degrees south or was greater than 220cm fork length, it may be deemed to be a Northern Bluefin Tuna; or

- (ii) if the Bluefin Tuna was taken south of 28 degrees south, between 1 January and 1 May and was greater than 200cm, it may be deemed to be a Northern Bluefin Tuna; or
 - (iii) if the Bluefin cannot be deemed a Northern Bluefin in part b(i) or b(ii) the concession holder must;
 - (A) obtain genetic testing showing that the fish in question is a Northern Bluefin (AFMA will then deem the fish a Northern Bluefin); or
 - (B) for fish exported to the Tokyo Metropolitan Central Wholesale Market (Toyosu market), document the fish as a Bluefin Tuna on the relevant Catch Disposal Record (CDR) and provide the documentation from the Tokyo Metropolitan Central Wholesale Market (Toyosu market) showing the fish was sold as a Northern Bluefin Tuna (AFMA will then deem the fish as a Northern Bluefin).
 - (c) should the landed tuna be deemed a Southern Bluefin Tuna (either by the holder or through identification) the holder must comply with all requirements of the *Southern Bluefin Tuna Management Plan 1995*.
28. Once AFMA publishes a notice stating that 35 tonnes of longtail tuna (*Thunnus tonggol*) has been taken in the WTBF and/or the Eastern Tuna and Billfish Fishery (ETBF), the holder must not take more than 10 longtail tuna on any subsequent trip until the notice is revoked by AFMA.
29. If the holder is fishing under this concession using the purse seine method, the holder must retain and land any Bigeye tuna (*Thunnus obesus*), Skipjack tuna (*Katsuwonus pelamis*) and/or Yellowfin tuna (*Thunnus albacares*) unless the fish is considered unfit for human consumption.
30. The holder must not retain or land any specimen smaller than 60 cm Lower Jaw Fork Length (LJFL) of Striped Marlin (*Kajikia audax* (formerly *Tetrapturus audax*)) and Indo-Pacific Sailfish (*Istiophorus platypterus*), and shall return them immediately to the sea in a manner that maximizes post-release survival potential but without compromising the safety of crew.
31. Fishing for bait is subject to the following limitations:
- (a) QUEENSLAND, WESTERN AUSTRALIA AND NORTHERN TERRITORY

If this Statutory Fishing Right allows access to waters adjacent to the States of Queensland and Western Australia, and the Northern Territory, the holder may fish for bait in those waters.
 - (b) SOUTH AUSTRALIA

If this concession allows access to waters adjacent to the State of South Australia the holder while operating in those waters may use a lampara net, lift net and/or small scale purse seine to fish for:

 - (i) unlimited amounts of *Emmelichthyes*, *Trachurus*, *Sardinops*, *Clupea*, *Engaulis* and *Scomber australasicus* for use as live bait; and up to three tonnes per trip in total comprising *Emmelichthyes*, *Trachurus*, *Sardinops*, *Clupea*, *Engaulis* and *Scomber australasicus* for use as dead bait.

Any bait taken must only be used by the holder for fishing under this Statutory Fishing Right.

BYCATCH LIMITATIONS

32.

(a) WESTERN AUSTRALIA

The holder must not take more than the following amounts of fish per trip while operating in Commonwealth waters off Western Australia:

- (i) Two fish in total consisting of either yellowtail kingfish (*Seriola lalandi*); or Amberjack (*Seriola dumerili*);
- (ii) Ten fish in total consisting of one or more of Spanish mackerel (*Scomberomorus commerson*), Australian spotted mackerel (*Scomberomorus munroi*), Mackerel tuna (*Euthynnus affinis*), Frigate mackerel (*Auxis thazard*), Shark mackerel (*Grammatorcynus bicarinatus*), Rake Gilled mackerel (*Rastrelliger kanagurta*), Australian bonito (*Sarda australis*), Oriental bonito (*Sarda orientalis*), Leaping bonito (*Cybiosarda elegans*), Rainbow runner (*Elagatis bipinnulata*), Dog Toothed tuna (*Gymnosarda unicolor*), Emperors, Tropical snappers (family *Lutjanidae*), Emperors (family *Lethrinidae*), Cods, Groupers (family *Serranidae*), Wrasses, Tuskfishes (family *Labridae*), Trevallies (family *Carangidae* except for *Genus Seriola*), Snapper (*Pagrus auratus*), Hapuku (*Polyprion oxygeneios*) and Bar cod (*Polyprion moeone*);
- (iii) Twenty fish in total consisting of one or more of Butterfly mackerel (*Gasterochisma melampus*), Slender tuna (*Allothunnus fallai*) and Wahoo (*Acanthocybium solandri*).
- (iv) Two hundred (200) fish in total consisting of Mahi Mahi (*Coryphaena hippurus*).

(b) NORTHERN TERRITORY

The holder must not take more than the following amounts of fish per trip while operating in Commonwealth waters off the Northern Territory:

- (i) Ten (10) fish per trip in total consisting of Mahi Mahi (*Coryphaena hippurus*).

(c) SOUTH AUSTRALIA

The holder must not take more than the following amounts of fish per trip while operating in Commonwealth waters off South Australia:

- (i) Twenty kilograms of fish consisting of Bastard Trumpeter (*Latridopsis forsteri*) and Striped Trumpeter (*Latris lineata*);
- (ii) Fifty kilograms fish consisting of Blue Groper (*Achoerodus gouldii*) and Snapper (*Pagrus auratus*);
- (iii) One hundred kilograms of fish consisting of Mulloway (*Argyrosomus hololepidotus*);
- (iv) Ten fish in total consisting of Yellowtail Kingfish (*Seriola lalandi*); and

- (v) Two hundred kilograms of fish consisting of Black Reef Leatherjacket (*Eubalichthys bucephalus*), Chinaman Leatherjacket (*Nelusetta ayraudi*), Parrotfish (or knifejaw) (*Oplegnathus woodwardi*) or Rough Leatherjacket (*Monacanthus chinensis*).

Note: there is a two-hundred-kilogram total trip limit for all species combined listed in (i) – (v) above.

(d) ALL WATERS

- (i) The holder must not take more than the following amounts of fish per trip while operating in Commonwealth waters:

- (A) 20 sharks, excluding Silky Shark, Oceanic Whitetip sharks, School shark, Gummy shark, Elephant fish of the Families *Callorhinchidae*, *Chimaeridae* and *Rhinochimaeridae* and Sawshark;

- (ii) The holder must not take any of the following species:

- (A) Blue Eye trevalla (*Hyperoglyphe antarctica*), Blue grenadier (*Macruronus novaezelandiae*), Blue warehou (*Serirolella brama*), Flathead (*Platycephalus* sp., *eoplatycephalus* sp.), Gemfish (*Rexea solandri*), Jackass morwong (*Nemadactylus macropterus*), John dory (*Zeus faber*), Ling (*Genypterus blacodes*), Mirror dory (*Zenopsis nebulosus*), Ocean perch (*Helicolenus* sp.), Orange roughy (*Hoplostethus atlanticus*), Redfish (*Centroberyx affinis*), Royal red prawn (*Haliporoides sibogae*), School whiting (*Sillago findersi*), Silver trevally (*Pseudocaranx dentex*), Spotted warehou (*Serirolella punctata*), Blue marlin (*Makaira mazara*), Black marlin (*Makaira indica*) and Black cod (*Epinephelus daemeli*).

- (iii) The holder must not:

- (A) retain any live Longfin Mako (*Isurus paucus*), Shortfin Mako (*Isurus oxyrinchus*) or Porbeagle sharks (*Lamna nasus*). Only dead sharks of these species may be retained. Mako and porbeagle sharks released alive must be recorded in e-logs or in the ALO6 logbook with the Discard/Retained Code field as “RA”.

- (iv) any shark species mentioned in condition (d) (i), (iii) above taken alive must be returned to the water.

33. For single jurisdiction high seas trips, the holder must not take:

- (a) more than 100 pelagic sharks per trip comprised of a maximum of 80 Blue whaler shark (*Prionace glauca*); and
- (b) more than 20 sharks or rays from the following list:
 - (i) Crocodile shark (*Pseudocarcharias kamoharai*);
 - (ii) Shortfin mako shark (*Isurus oxyrinchus*);

- (iii) Porbeagle shark (*Lamna nasus*);
- (iv) Smooth hammerhead shark (*Sphyrna zygaena*); and
- (v) Pelagic stingray (*Dasyatis violacea*).

The holder must not retain any other shark and/or ray species of subclass *Elasmobranchii*.

34. MOBULID RAYS (family Mobulidae - including mantas and mobula rays)

- (a) The holder must not fish for or target mobulid rays or retain on board any part of the carcass of a mobulid ray.
- (b) The holder must ensure any mobulid ray caught during fishing operations is released alive and unharmed, to the extent practicable, as soon as they are seen in the net, on the hook, or on the deck, and do it in a manner that will result in the least possible harm to the individuals captured.
- (c) in the case of mobulid rays that are unintentionally caught by and frozen as part of a purse seine vessel's operation, the vessel must surrender the whole mobulid ray to AFMA, or discard them (not sold) at the point of landing.
- (d) The holder will ensure the following handling procedures, while taking into consideration the safety of the crew, shall be implemented and followed:
 - (i) Mobulid rays must not be gaffed, lifted by the gill slits or spiracles, or have holes punched through the rays body;
 - (ii) Rays too large to be lifted safely by hand shall be, to the extent possible, brailed out of the net (if using purse seine) using the best available method such as those recommended in document IOTC-2012-WPEB08-INF07; and
 - (iii) Large rays that cannot be released safely before being landed on deck, shall be returned to the water as soon as possible, preferably utilizing a ramp from the deck connecting to an opening on the side of the boat, or if no such ramp is available, lowered with a sling or net.

HIGH SEAS FISHING TRIPS

35. The holder must notify AFMA prior to departure and again prior to landing if a high seas only trip will be made. Notify AFMA by facsimile (02) 6225 5440 or email VMSreporting@afma.gov.au and provide:

- (a) boat's name;
- (b) boat's distinguishing symbol
- (c) port at which it is intended the boat will depart; and
- (d) date and time of departure.

36. On nominating a high seas fishing trip the holder is not permitted to conduct fishing operations in the AFZ at any time while undertaking the high seas fishing trip.
37. On nominating a high seas fishing trip the holder must transit the AFZ via the most direct means or seek prior approval for an alternative route by telephoning the AFMA Duty officer on (02) 6275 5818.

TAKING/CARRYING OF SHARK OBLIGATIONS

38. Retained and/or landed School shark (*Galeorhinus galeus*) and Gummy shark (*Mustelus antarcticus*) must exceed 450 millimetres when measured in a straight line from the middle of the posterior edge of the aftermost gill-slit to the ventral insertion of the caudal fin.
39. The holder must not take deepwater dogfishes of the following species - Harrissons 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 00.01 hours UTC + 8.
- 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.

40. The holder must not land or retain any Thresher sharks (family *Alopiidae*) taken within the Convention Area as detailed in 1. (b) of the Area of Waters. Any Thresher sharks taken must be returned to the water in a manner that maximizes post-release survival potential without compromising the safety of crew.
41. The holder must report any interaction with Thresher sharks in the relevant logbook.
42. The holder must not take or retain any Oceanic Whitetip sharks (*Carcharhinus longimanus*).
43. The holder must not take or retain any Silky sharks (*Carcharhinus falciformis*).
44. The holder must not carry or possess any shark (Class *Chondrichthyes*) dorsal, pectoral, caudal, pelvic or anal fins on board the boat nominated to this concession that are not attached to the shark's carcass.
45. The holder must not intentionally set a purse seine net around any species of cetacean, mobulid ray, or Whale sharks.
46. If a cetacean or Whale shark is encircled within a purse seine net, the holder must:

- (a) take all practicable steps to ensure the safe release of the cetacean or Whale shark, while taking into account the safety of the crew;
- (b) Report the incident to the AFMA at licensing@afma.gov.au [<mailto:licensing@afma.gov.au>](mailto:licensing@afma.gov.au) with the following details:
 - (i) the species (if known);
 - (ii) the number of individuals;
 - (iii) a short description of the interaction, including details of how and why the interaction occurred, if possible;
 - (iv) the location of the encirclement;
 - (v) the steps taken to ensure safe release;
 - (vi) an assessment of the life status of the animal on release, including whether the cetacean, mobulid ray or Whale shark was released alive but subsequently died.

QUOTA BALANCING OBLIGATIONS

47.

- (a) The holder must not be in an over quota position for any quota species.
- (b) If the holder is over quota for any quota species or has not provided to AFMA a written explanation detailing any exceptional circumstances within a 28-day period, AFMA may suspend this concession in accordance with this condition, pursuant to section 38(1)(c) of the *Fisheries Management Act 1991*.
- (c) The holder is not considered to be over quota if the holder:
 - (i) lands an amount of quota species in excess of the available uncaught amount recorded for that species in the holder's name on the Register of Statutory Fishing Rights kept by AFMA pursuant to section 44 of the *Fisheries Management Act 1991*; and
 - (ii) acquires a further amount of quota species equal to or greater than the total quantity (by weight) landed in excess of that total amount recorded within 28 days of landing.
- (d) Any dealing in a quota Statutory Fishing Right by the holder of a boat Statutory Fishing Right or Fishing Permit for the purpose of complying with this condition must be lodged with AFMA duly executed and in the form approved by AFMA, on or before the 28th day from which the excess quota species was landed. For the purpose of determining if the holder is over quota under this condition, any acquisition of a quota species may only be deemed to have been acquired up to 28 days prior to the date of registration of that acquisition of that quota species.
- (e) If this concession is suspended, unless the holder has acquired and AFMA has then recorded (but may not deem) an amount of uncaught quota for each quota species in the fishery, this

concession may, under this condition, again be suspended upon expiration of the earlier suspension.

- (f) It is the obligation of the holder to record and determine when any quota species amount exceeds the total amount recorded by AFMA.

In these conditions:

Acquire means receiving statutory fishing rights by registering a dealing by which an amount of statutory fishing rights are permanently or seasonally transferred to the holder; and **acquisition** has a comparable meaning.

Landed means the date any quota species was disposed of to an AFMA licensed fish receiver permit holder as recorded on the relevant catch disposal record; and landing has a comparable meaning.

Quota species has the same meaning as quota species in the applicable management plan for which this concession has been granted and established under the *Fisheries Management Act 1991*

OTHER OBLIGATIONS

48. All nominated boats twelve (12) metres or above must have an International Maritime Organization (IMO) number.
49. 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.
50. 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.
51. 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

52. 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.

53. 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.
54. 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.
55. 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.
56. 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.
57. 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.
58. 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.
59. 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.*

TEMPORARY ORDER OBLIGATIONS

60. 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.

DIRECTION OBLIGATIONS

61. The holder must comply with any lawful Direction (including a lawful Direction given to the holder by an AFMA staff member, consultant or other person engaged under contract to assist AFMA) under section 40A, 40B or 41A of the *Fisheries Management Act 1991* relating to the use of e-monitoring equipment and the partial or total closure of a fishery or part of a fishery.

NAVIGATING IN CLOSED ZONES

62. 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 85 of the *Fisheries Management Regulations 2019*, to meet the exempting provisions of sub 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 sub section 38(2) of the *Fisheries Management Act 1991*; whichever is the earlier.

MANDATORY AFMA SUPPLIED VMS

63. Direction to Fit

- (a) When directed by AFMA in writing, the concession holder (or a person acting on the holder's behalf) must;
 - (i) 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
 - (ii) Provide all reasonable assistance to the AFMA approved technician including (but not limited to);
 - (iii) the provision of an un-interrupted connection to the boat's main power source, and
 - (iv) an appropriate position for the mounting of the AFMA VMS unit.
- (b) When directed by AFMA in writing, the concession holder (or a person acting on the holder's behalf) must;
 - (i) 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
 - (ii) Provide all reasonable assistance to the AFMA approved technician.
- (c) Concession holder must not interfere with AFMA VMS Unit
 - (i) 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.

In 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.

Interfere, for the purposes of condition 63, includes, but is not limited to;

- (a) Physically obstructing or removing 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 condition 63(a)(i) or 63(b)(i), 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 37 of the *Fisheries Management Regulations 2019*.

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

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

In these conditions:

Bycatch, for the purpose of condition 64, 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*.

Mistreat, for the purposes of condition 64, means taking, or failing to take, any reasonable action or actions, which results, or is likely to result, in the;

- (a) death of, or
- (b) injury to, or
- (c) causing of physiological stress to any bycatch.

For the purposes of condition 64 'mistreat' does not include the taking, or failing to take, action where it is reasonably necessary to take, or not take, the action to;

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