

Area of Waters

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

CSF Lobster and Trochus Permit Conditions 2026-27

Conditions applying to this Fishing Permit

Notes: By subsection 42B(1) of the *Fisheries Management Act 1991*, 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: Holder to ensure that vessel monitoring system is fitted and operating.*
- Regulation 39: Requirement to carry observer.*
- Regulation 40: Holder to ensure provision for observer and equipment.*
- Regulation 41: Holder to ensure observer enabled to perform functions.*
- Regulation 43: Fish to be disposed of to fish receiver permit holder.**
- Regulations 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.*

*** Not applicable to some concessions**

In addition to the conditions specified by subsection 32(5) of the *Fisheries Management Act 1991* (the Act), and the condition in subsection 42(2) to comply with any logbook determination, and the condition to comply with any Direction under section 41A in accordance with subsection 32(7A), the following conditions are specified for the purposes of subparagraph 32(6)(a)(i) of the Act:

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

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

Gear Limitations

2. This permit authorises the use of the following gear only:
 - a. Hand collection.

Species Limitations

3. The holder may take 15 tonnes of unprocessed trochus and 15 tonnes of lobster tails.

Size Limits

4. The holder must not take lobster with a tail length less than 125mm.
 - a. All measurements of tail length must be in a straight line along the dorsal surface of the lobster while the tail is laid flat on a horizontal surface and firm downward pressure is placed on the third abdominal somite. Tail length is measured from the anterior margin of the first abdominal somite to the posterior margin of the sixth abdominal somite.
5. The holder must not take trochus that, when measured in their original form as fished, at the widest part of the base of the shell are less than 80mm or more than 125mm.

Movement Limitations

6. During the fishing season (defined 1 July – 30 June), once 1.45 tonnes of lobster tail or 2.5 tonnes of trochus has been taken from any reef within the fishery, no further fishing may be undertaken under the authority of this concession within a 15 nautical mile anchorage during the fishing season.

Transshipping Limitation

7. A maximum of two tender boats registered with the boat nominated to this permit may be used to carry and tranship fish taken by the boat nominated to this permit.

Carrying Limitation

8. The holder must not carry fish taken by another boat on the boat nominated to this permit.

Taking/Carrying of Shark Obligations

9. The holder must not retain deepwater dogfishes of the following species - Harrison's Dogfish (*Centrophorus harrissoni*), Endeavour Dogfish (*C. moluccensis*), Southern Dogfish (*C. zeehaani*) and Greeneye Spurdog (*Squalus chloroculus*).
 - a. Deepwater dogfishes of the species specified in this condition that are taken alive, must be returned to the water carefully and quickly.

10. 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 permit that are not attached to the shark's carcass.

Other Obligations

11. At all times when a boat is nominated to this permit is being used under this permit, the holder must have provided to AFMA a current emergency contact facility for the nominated boat.
12. 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.
13. 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

14. **Notes:** The holder may have concurrent liability for all conduct by its servants or agents infringing the *Fisheries Management Act 1991* (or the Regulations or permit conditions made by virtue of that Act) who may be engaged by the holder to conduct on the holder's behalf activity under this permit.
 - a. 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 permit.
 - b. The holder may avoid concurrent liability for conduct whilst conducting activity under this permit 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.
 - c. 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.

Direction Obligations

15. 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 section 41A of the Fisheries Management Act 1991.

Temporary Orders Obligations

16. The holder must comply with any Temporary Order made under subsection 43(2) of the Fisheries Management Act 1991 and to the extent that any provision herein is inconsistent with such Temporary Order, subsection 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

17. **Note:** AFMA may suspend this permit in accordance with this condition, pursuant to section 38(1)(c) of the *Fisheries Management Act 1991*, if it reasonably appears by vessel monitoring system 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 permit 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 subsections 38(2) and 38(3) of the *Fisheries Management Act 1991*; whichever is the earlier.

Mandatory AFMA supplied VMS

Direction to Fit

18. When directed by AFMA in writing, the permit 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 permit 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.
19. When directed by AFMA in writing, the permit 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 permit 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.

Permit holder must not interfere with AFMA VMS Unit

20. The permit 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 18a or 19a, AFMA may suspend this permit 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 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

The permit 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.).

Observer obligations

21. When directed by AFMA the holder must:

- a. Give the AFMA Observer Section at least 72 hours’ notice of an intention to depart on a fishing trip by telephone (02 6225 5428 or 0427 496 446); and
- b. Ensure that the boat does not leave port until AFMA has notified the holder, or a person acting on behalf of the holder, whether it directs that an observer is to be carried on the boat.