

EASTERN SKIPJACK TUNA FISHERY (ESTF) GENERAL CONDITIONS (AMENDED ON 27 AUGUST 2026)

AREA OF WATERS

1. This permit is granted for the area of waters described as:
 - (a) The area specified in Schedule 2 Part 2 of the *Fisheries Management Regulations 2019*; and
 - (b) The area of high seas that are within the area of competence of the Western and Central Pacific Fisheries Commission (WCPFC, hereinafter referred to as "the High Seas of the Convention Area") as specified in clause 3 of Schedule 1 to the *Eastern Tuna and Billfish Fishery Management Plan 2010*.

Conditions applying to this Fishing Permit

The conditions specified in this permit are made under subparagraph 32(6)(a)(i) of the *Fisheries Management Act 1991*. These conditions apply in addition to the conditions specified in subparagraphs 32(5)(a)-(e) of the Act, the condition in subsection 42(2) to keep and maintain logbooks in accordance with any logbook determination, and the condition in subsection 32(7A) to comply with any fishery closure direction made by AFMA under section 41A.

Under subsection 42B(1) of the Act, Regulations may also prescribe conditions that apply to fishing concessions/permits. Conditions applicable to this fishing permit are prescribed in the *Fisheries Management Regulations 2019*, including:

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

Note: Under subsection 32(8) of the Fisheries Management Act 1991 these conditions may be varied, revoked or a further condition specified by written notice from AFMA.

AREA LIMITATION

2. The holder must not fish under this permit outside the area of waters described in this document.
3. If this permit allows access to waters adjacent to the State of New South Wales, the holder must not conduct any fishing activities within 12 nautical miles of Lord Howe Island and Balls Pyramid.

MOVEMENT LIMITATIONS

4. While the holder is fishing in the High Seas of the Convention Area as detailed in condition 1(b) above, the holder must not intentionally fish within 1 nautical mile of a data buoy, intentionally interact with a data buoy or take on board a data buoy unless authorised by AFMA to do so.
5. Interacting with a data buoy includes, but is not limited to, encircling the data buoy with fishing gear, tying up to or attaching any part or portion of the boat or any fishing gear to a data buoy or its mooring, or cutting a data buoy anchor line.
6. 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 and report this contact to AFMA.
7. The holder must report to AFMA any data buoys that are observed to be damaged.
8. The reports under conditions 6 and 7 above must be sent by fax (+612 6225 5440) or email to monitoring@afma.gov.au and include:
 - (a) The date of observation
 - (b) The buoy location
 - (c) Any discernible 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.

APPLICABLE BOAT

9. The holder must not use a boat nominated to this permit, to fish on the high seas of the Convention Area unless:
 - (a) The boat is legibly marked with the international radio call sign of the boat on FAD, its hull or superstructure on both port and starboard sides, and on the boat's deck and on any awnings or covers that might obscure visibility of the deck. The markings must meet the technical specifications set out in WCPFC CMM 2004-03, which are set out in Annexure A of this

permit¹;

- (b) The holder must not unload fish in a foreign port without prior approval from AFMA. Approval may be sought by contacting AFMA Licensing by fax on (02) 6225 5440 or by email to licensing@afma.gov.au;
- (c) 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. quantities of all species on board the boat.
- (d) In case of a VMS unit has failed at-sea as the result of a mechanical failure, the holder must contact AFMA during business hours either by phone 02 6225 5555 (follow the prompts) or email ausvms@afma.gov.au.
 - i. Manual reporting if approved by AFMA, can be made by either phoning (02) 6225 5369 or via email at ausvms@afma.gov.au. The AFMA Duty Officer is available in an emergency on 02 6275 5818.

Note: Manual reporting, if approved, will only apply until the completion of the current trip².

- (e) The holder complies with the following:
 - i. ensure all fishing gear remains stowed and secured when transiting any other country's EEZ;
 - ii. where the boat has entered any foreign fishing jurisdiction from the high seas for the 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 partake 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;
 - v. not to partake 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; and

¹ [CMM 2004-03 - Specifications for the Marking and Identification of Fishing Vessels](#)

² [AFMA Manual Reporting Procedure](#)

TRANSHIPPING LIMITATIONS

10. Unless authorised by AFMA, the holder must not carry any fish onboard the nominated boat which was not caught by the nominated boat during its fishing operations, except fish that is being used for bait or that was brought onboard for consumption by the crew.
11. Unless authorised by AFMA, the holder must not tranship skipjack tuna (*Katsuwonus pelamis*) to another boat.
12. Transshipment of fish or fish product, either to or from the nominated boat, is prohibited in the high seas of the Convention Area.
13. If authorised by AFMA in writing, transshipment of fish or fish product within Australia's EEZ must be undertaken in accordance with the following conditions:
 - (a) The transferring vessel (that caught the catch through fishing) and the receiving vessel (which will receive catch from the transferring vessel) must both be nominated to separate ESTF and /or ETBF boat SFRs.
 - (b) At least 24 hours prior to each transshipping event the transferring vessel and the receiving vessel must inform AFMA of the intent to tranship by providing the following information via email to transshipment@afma.gov.au and provide:
 - i. the name and distinguishing symbols of the vessels;
 - ii. the proposed port of unloading;
 - iii. the estimated time and date the vessel will arrive at that port;
 - iv. standard names and quantities of all species transhipped to the receiving vessel; and
 - v. intended location of transhipment (estimated latitude and longitude).
 - (c) The transferring vessel must complete Parts A and B of the PT02B Catch Disposal Record (CDR) for all product it tranships to a receiving vessel, and the comment "Transhipped Catch" must be written into the Comments box of both Part A and Part B forms. The receiving vessel must ensure the CDR remains with the product that has been transhipped and that the CDR is submitted to an authorised Commonwealth fish receiver upon landing.
 - (d) If the receiving vessel has also fished on the same trip, a separate CDR must be completed for any fish taken by the receiving vessel.
 - (e) During any fishing trip, the vessel nominated to this permit may only tranship fish to a receiving vessel if:
 - i. The transhipment occurs entirely within the Australian EEZ,
 - ii. All fish taken by the nominated vessel and the receiving vessel during that trip were taken within the area of Australian EEZ, and
 - iii. No fishing was conducted on the high seas during the fishing trip.

Note: AFMA's intent in setting rules in relation to transshipping is that each boat's catch must be reported on a separate CDR which must accompany that catch on the receiving vessel.

GEAR LIMITATIONS

14. This permit authorises the use of only purse seine gear with the following gear specifications:

- i. The size of the purse seine nets must not exceed 1482 metres x 280 metres.
- ii. The dimensions of the purse seine nets are to be determined as follows:

The hung length of a purse seine net must be measured between the last attached net mesh at each end of the headline. The depth of a purse seine net is the distance in the centre of the net between the headline and the footrope when they are at their maximum stretch distance apart.

15. The use of Fish Aggregating Devices, or FADs, during purse seine fishing are not permitted in the Australian EEZ and therefore, the holder must not deploy any FAD while fishing under this permit within the Australian EEZ.

Note: 'Fish Aggregating Device' or 'FAD' means an object or group of objects, of any size, that has or has not been deployed, that is living or non-living, including but not limited to buoys, floats, netting, webbing, plastics, bamboo, logs and whale sharks floating on or near the surface of the water that fish may associate with. This does not include equipment authorised by this permit.

16. If the holder is fishing in the high seas of the Convention Area, FADs may only be used in accordance with the following conditions:

- (a) Must not, during the FAD closure period between 0001 hours UTC on 1 July and 2359 hours UTC on 15 August each year, between 20°N and 20°S:
 - i. deploy, service, or set a FAD, or set fishing gear within 1 nautical mile of a FAD;
 - ii. retrieve a FAD or it's associated electronic equipment during the closure period specified in paragraph (a) above, unless it is retrieved and kept onboard the vessel until landed or until the end of the closure period and no set is conducted within 7 days of retrieval or within a 50-mile radius of the point of retrieval.
 - iii. co-operate with other vessels in order to catch aggregated fish.
 - iv. conduct a set within 1 nautical mile of a point where a FAD has been retrieved by another vessel 24 hours prior.
- (b) Must not deploy at sea, at any one time, more than 350 drifting FADs with activated instrumented buoys. An instrumented buoy is defined as a buoy with a clearly marked reference number allowing its identification and equipped with a satellite tracking system to monitor its position. The buoy shall be activated exclusively on board the vessel.
- (c) Use or transition towards using, non-plastic and biodegradable materials in the construction of FADs wherever possible.

- (d) The design and construction of any FAD comply with the following specifications:
 - i. mesh nets shall be prohibited for any part of a FAD;
 - ii. if the raft is covered, only non-entangling material and designs shall be used;
 - iii. the subsurface structure shall only be made using non-entangling materials.
- (e) The holder:
 - i. responsibly manages the number of drifting FADs deployed each year;
 - ii. carries equipment on board to facilitate the retrieval of lost drifting FADs;
 - iii. make reasonable efforts to retrieve lost drifting FADs;
 - iv. report the loss of drifting FADs to AFMA by fax (+612 6225 5440) or email to monitoring@afma.gov.au.

SPECIES LIMITATIONS

17. This permit authorises fishing for the following species only:

- (a) Skipjack tuna (*Katsuwonus pelamis*),
- (b) Longtail tuna (*Thunnus tonggol*);
- (c) Northern pacific bluefin tuna (*Thunnus orientalis*);
- (d) Fish of the *family* *bramidae* (commonly known as pomfrets or rays bream);
- (e) Indo-pacific sailfish (*Istiophorus platypterus*); and
- (f) Shortbill spearfish (*Tetrapturus angustirostris*).

18. Any of the following species taken by the holder must be taken in accordance with the *Eastern Tuna and Billfish Fishery Management Plan 2010*:

- (a) Albacore tuna (*Thunnus alalunga*);
- (b) Bigeye tuna (*Thunnus obesus*);
- (c) Broadbill swordfish (*Xiphias gladiusindo*);
- (d) Striped marlin (*Kajikia audax*); or
- (e) Yellowfin tuna (*Thunnus albacares*).

19. The total combined live weight catch of Albacore tuna (*Thunnus alalunga*), Bigeye tuna (*Thunnus obesus*), Broadbill swordfish (*Xiphias gladiusindo*), Striped marlin (*Kajikia audax*) and Yellowfin tuna (*Thunnus albacares*) must not exceed:

- (a) a seasonal catch limit of 2% of the total live weight of skipjack tuna taken; and
- (b) a trip catch limit of 50% of the total live weight of skipjack tuna taken.

20. The permit holder must cease fishing for Skipjack Tuna when informed by AFMA that Australia's allocated total landed catch of Skipjack Tuna (*Katsuwonus pelamis*) under the WCPFC has reached 30,000 tonnes for the calendar year.
21. A maximum 35 tonne limit of Longtail tuna (*Thunnus tonggol*) per fishing year is in place across all Commonwealth fisheries. A 10 Longtail tuna fish trip limit per operator will be imposed when informed by AFMA that the 35 tonne trigger limit has reached.
22. When fishing by the purse seine method, north of latitude 20 degrees South, the holder must retain on board the nominated boat and land all Bigeye Tuna (*Thunnus obesus*), Skipjack Tuna (*Katsuwonus pelamis*) and Yellowfin Tuna (*Thunnus albacares*) except those fish considered by the holder to be unfit for human consumption (defined in *note* below).

Note: In these conditions "unfit for human consumption" means fish that are meshed or crushed in the purse seine net, fish that are damaged due to depredation, or fish that have died in the net where a gear failure has prevented the retrieval of the net and catch and prevented the release of the fish alive. "unfit for human consumption" does NOT include fish that are considered undesirable in terms of size, marketability or species composition, or fish which are spoiled or contaminated as a result of an act or omission of the holder or crew of the nominated boat.

23. If Bigeye Tuna (*Thunnus obesus*), Skipjack Tuna (*Katsuwonus pelamis*) or Yellowfin Tuna (*Thunnus albacares*) are caught by the purse seine method, north of latitude 20 degrees South, the holder must not discard any fish after the point in the set when the purse seine net is fully pursed and more than one half of the net has been retrieved.
- 23A. If an equipment malfunction affects the process of pursing and retrieving the net in such a way that this condition cannot be complied with, the holder must make efforts to release the tuna as soon as practicable.
24. If the holder determines there is insufficient well space to accommodate any Bigeye Tuna (*Thunnus obesus*), Skipjack Tuna (*Katsuwonus pelamis*) or Yellowfin Tuna (*Thunnus albacares*) caught during the final set of a trip north of 20 degrees South, the tuna may be discarded only if:
 - (a) The holder and crew attempt to release the tuna in a live and vigorous state as soon as possible; and
 - (b) No further fishing is undertaken under the authority of this permit after any tuna are discarded.
25. Any take of Southern Bluefin Tuna (*Thunnus maccoyii*) must be taken in accordance with the *Southern Bluefin Tuna Management Plan 1995*.
26. A maximum 40 tonne limit of Northern Bluefin Tuna (*Thunnus orientalis*, also known as the Pacific Bluefin Tuna, PBT) per calendar year is in place across all Commonwealth fisheries. Once AFMA notifies the holder that 40 tonnes of Northern Bluefin Tuna have been taken, the holder must release any PBT that are in a live and vigorous state. For the remainder of the calendar year for which the notification applies, PBT that are dead on arrival may be landed (retained).

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 5439 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 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 holder must;
 - a) Obtain genetic testing showing that the fish in question is a Northern Bluefin Tuna (AFMA will then deem the fish a Northern Bluefin Tuna); 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 Tuna).
 - 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. Fishing for bait is subject to the following limitations:

(a) QUEENSLAND

If this permit allows access to waters off the State of Queensland, the holder is permitted to fish for bait in those waters.

(b) NEW SOUTH WALES

The holder is only permitted to fish for bait off New South Wales in Commonwealth waters, outside 3nm.

(c) VICTORIA AND TASMANIA

The holder while operating in waters of Tasmania and Victoria 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
- ii. up to three tonnes per trip in total comprising *Emmelichthyes*, *Trachurus*, *Sardinops*, *Clupea*, *Engaulis* and *Scomber australasicus* for use as dead bait.

BY CATCH LIMITATIONS

29. The holder must not take more than the following amounts of finfish per trip while operating in Commonwealth waters off New South Wales:

- (a) 200 kilograms in total of finfish of the Class *Osteichthyes* (bony fishes).

30. The holder must not take any of the following species, in whole or in part:

(a) Oceanic Whitetip Sharks (*Carcharhinus longimanus*), Silky Sharks (*Carcharhinus falciformis*), Great White Shark (*Carcharodon carcharias*), and Grey Nurse Shark (*Carcharias Taurus*).

(b) Mobulid rays (*Mobula* spp.).

(c) School shark (*Galeorhinus galeus*), Gummy shark (*Mustelus antarcticus*), Sawshark (*Pristiophorus cirratus* and *Pristiophorus nudipinnis*), Elephant fish of the Families *Callorhynchidae*, *Chimaeridae* and *Rhinochimaeridae*, Sawshark (*Pristiophorus cirratus* and *Pristiophorus nudipinnis*), Blue Eye Trevalla (*Hyperoglyphe Antarctica* and *Schedophilus labyrinthica*), Blue grenadier (*Macruronus novaezelandiae*), Blue warehou (*Seriotelella 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 (*Seriotelella punctata*), Blue marlin (*Makaira mazara*), Black marlin (*Makaira indica*), Black cod (*Epinephelus daemeli*), and Deepwater sharks (*Centroscymnus coelolepis*, *Centroscymnus crepidater*, *Centroscymnus owstoni*, *Centroscymnus plunketi*, *Centroscyllium kamoharai*, *Dalatias licha*, *Dalatias calcea*, *Dalatias quadrispinosa*, *Etmopterus bigelwi*, *Etmopterus dianthus*, *Etmopterus dislineatus*, *Etmopterus evansi*, *Etmopterus fusus*, *Etmopterus granulosus*, *Etmopterus lucifer*, *Etmopterus moller* and *Etmopterus pusillus*).

31. The holder must not retain on board, tranship, or land any whale shark in whole or in part.

32. In the case of Mobulid rays, Oceanic Whitetip Shark and Silky Shark that are unintentionally caught and landed as part of a purse seine vessel's operation, the holder must, at the point of landing or

transshipment, surrender the whole Mobulid ray, Oceanic Whitetip Shark or Silky Shark to AFMA, or discard them where possible.

33. The holder must not retain any live Longfin Mako (*Isurus paucus*), Shortfin Mako (*Isurus oxyrinchus*) or Porbeagle sharks (*Lamna nasus*).
- (a) Only dead sharks of these species may be retained and only when the fish is dead at haulback, and the vessel has an observer or a functioning electronic monitoring system (EMS) on board to verify the condition of the sharks. In the absence of an observer or a functioning EMS, all shortfin and longfin mako sharks shall be released or discarded.
 - (b) Must promptly release unharmed, to the extent practicable, these sharks when brought along side for taking on board the vessel.
 - (c) Mako and porbeagle sharks released alive **must** be recorded in e-logs or in the PS01A logbook with the Discard/Retained Code field as “RA”.
34. Excluding species of sharks prohibited to be taken under condition 30, the holder must not take more than 20 sharks per trip.
35. 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 naturally attached to the shark's carcass.

OTHER OBLIGATIONS

36. All nominated boats twelve (12) metres or above must have an International Maritime Organization (IMO) number.
37. The holder must not discharge any plastics (including plastic packaging, items containing plastic and polystyrene) but not including fishing gear.
38. The holder must not discharge:
- (a) oil or fuel products or oily residues into the sea;
 - (b) garbage, including fishing gear³, food waste, domestic waste, incinerator ashes and cooking oil; and
 - (c) sewage,
- except as would be permitted under applicable international instruments.
39. The holder should attempt to retrieve all abandoned, lost or discarded fishing gear and keep such gear separate from other waste for discharge to port reception facilities. Where retrieval is not

³ Fishing gear, for the purposes of this measure, that are released into the water with the intention of later retrieval such as FADs, traps and static nets, are not considered garbage.

possible or does not occur, the holder should report the latitude, longitude, type, size and age of abandoned, lost or discarded fishing gear to AFMA by fax (+612 6225 5440) or email to monitoring@afma.gov.au.

40. If a boat is nominated to this permit, at all times when the boat is being used under this permit, the holder must have provided to AFMA a current emergency contact facility for the nominated boat.
41. 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.
42. 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.

43. While fishing in the high seas, the holder may be subject to boarding and inspection by authorised inspectors from WCPFC-Authorised High Seas Boarding and Inspection Vessels. In such an event, the holder must:
 - (a) Notify AFMA of the boarding event as soon as possible after commencement on 02 6225 5555 or the 24 hours duty phone on 02 6275 5818.
 - (b) Facilitate boarding and co-operate with inspectors, including by:
 - i. Following internationally accepted principles of good seamanship so as to avoid risks to the safety of authorized inspection vessels and inspectors;
 - ii. accepting and facilitating prompt and safe boarding by the authorized inspectors;
 - iii. cooperating with and assist in the inspection of the vessel pursuant to these procedures;
 - iv. not assaulting, resisting, intimidating, interfering with, or unduly obstructing or delay the inspectors in the performance of their duties;
 - v. allowing the inspectors to communicate with the crew of the inspection vessel, the authorities of the inspection vessel, as well as with the authorities of the fishing vessel being inspected;
 - vi. providing them with reasonable facilities, including, where appropriate, food and accommodation; and
 - vii. facilitating safe disembarkation by the inspectors.

Note: WCPFC Authorised Vessels are listed on the WCPFC Register of Inspection Vessels found on the WCPFC website: [Register of Inspection Vessels | Western and Central Pacific Fisheries Commission](#)

AGENT OBLIGATIONS

44. 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 permit.
45. Liability for the conduct of the holder's servants or agents may arise even if the conduct 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.
46. 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.
47. 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.
48. The holder must ensure the master of the boat fishing under the authority of this permit is nominated as an authorised agent for the holder before any fishing operation may take place.
49. 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.
50. The holder may sign the determined daily fishing logbook page for each of the fishing operations for which they had control over.

Note: These conditions apply to all determined Daily Fishing Logs including e-Logs.

TEMPORARY ORDER OBLIGATIONS

51. 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

52. AFMA may suspend this permit in accordance with section 38(1)(c) of the *Fisheries Management Act 1991*, if the nominated vessel appears to have breached section 86 of the *Fisheries Management Regulations 2019* by navigating through a closed zone without approval from AFMA and does not meet any of the exceptions set out in subsections 86(2) or 86(3).
53. The suspension will continue until the holder provides a full written explanation to the satisfaction of the delegate responsible for issuing the 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.

OBSERVER/MONITORING OBLIGATIONS

54. 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, the AFMA office on 02 6225 5555 or the Observer 24 hours duty phone on 0427 496 446; and
- (b) ensure that the boat does not leave port until:
 - i. 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; and
 - ii. if the boat is equipped with electronic monitoring equipment, an electronic monitoring function test has been completed, AFMA has been notified of the result of the test, and AFMA has notified the holder, or a person acting on behalf of the holder, that it is satisfied that the equipment is working correctly.

55. The boat must carry an observer if the holder is planning to fish within the EEZ and in high seas north of latitude 20 degrees South.

Note 1: These conditions are in addition to the conditions concerning the taking of observers that are prescribed in the Fisheries Management Regulations 2019 (the Regulations). Those conditions are in Division 5, regulations 38 to 41.

Note 2: AFMA may direct under the Regulations that an observer be carried, even if electronic monitoring equipment is installed and is to be operated.

INTERACTIONS WITH WILDLIFE OBLIGATIONS

56. When a Whale Shark (*Rhincodon typus*) or cetacean is sighted by the holder prior to the setting of a purse seine net, the holder must not intentionally set a purse seine net around the Whale Shark or cetacean.

57. When a Whale Shark (*Rhincodon typus*) or cetacean is unintentionally encircled in a purse seine net, the holder must:

- (a) Take all reasonable steps to ensure the safe release of the Whale Shark and/or cetacean(s), including by following the WCPFC Guidelines⁴; and
- (b) Report the interaction to AFMA via the Wildlife and Other Protected Species Form attached to

⁴ WCPFC [suppl CMM 2024-05-1 - Guidelines for the safe release of encircled whale sharks | Monitoring and Evaluation](#) and WCPFC [Best practice guidelines for handling and release of cetaceans | WCPFC Meetings](#)

the Purse Seine Daily Fishing Logbook. The holder must ensure the following additional information is included in the comments section of the form:

- i. A short description of the interaction including the number of individuals, details of how and why the interaction occurred, where it occurred, steps taken to ensure safe release, and an assessment of the life status of the whale shark on release; and
- ii. The steps taken to ensure the safe release of the Whale Shark and/or cetacean(s) following the WCPFC Guidelines.

58. The holder must ensure the safety of the crew while applying the steps under 56 and 57.
59. While fishing, the holder must ensure to the extent practicable to avoid the encirclement of sea turtles, and if a sea turtle is encircled or entangled, take practicable measures to safely release the turtle.
60. To the extent practicable, release all sea turtles observed entangled in fish aggregating devices (FADs) or other fishing gear.
- (a) If a sea turtle is entangled in the net, stop net roll as soon as the turtle comes out of the water; disentangle the turtle without injuring it before resuming the net roll; and to the extent practicable, assist the recovery of the turtle before returning it to the water.
61. Carry and employ dip nets; and when appropriate, to handle turtles.
62. The holder is required to record all incidents involving sea turtles during fishing operations and report such incidents in the AFMA logbook.

MANDATORY AFMA SUPPLIED VMS

63. Direction to Fit

- (a) When directed by AFMA in writing, the 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 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);
 - a. the provision of an un-interrupted connection to the boat's main power source, and
 - b. an appropriate position for the mounting of the AFMA VMS unit.
- (b) When directed by AFMA in writing, the 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 permit 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.

64. Permit holder must not interfere with AFMA VMS Unit

- (a) The 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 35 1 (a) or 35 2(a), 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 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

65. The holder (or a person acting on the holder's behalf) must not mistreat bycatch.⁵

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.).

⁵ [AFMA Bycatch handling and treatment Guide](#)



**INAUGURAL SESSION
9-10 December 2004
Pohnpei, Federated States of Micronesia**

Specifications for the Marking and Identification of Fishing Vessels¹

Conservation and Management Measure – 2004 – 03

1. GENERAL PROVISIONS

1.1 Purpose, basis and scope

1.1.1 These specifications are intended to implement the FAO Standard Specifications for the Marking and Identification of Fishing Vessels for the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC).

1.1.2 These specifications shall apply to the operation of all fishing vessels of members of the Commission authorized to fish in the Convention Area beyond areas of national jurisdiction.

1.1.3 These specifications shall be interpreted and applied in the context of and in a manner consistent with the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

1.2 Definitions

For the purpose of these Specifications:

“Convention” means the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

“deck” means any surface lying in the horizontal plane, including the top of the wheelhouse;

“FAO Standard Specifications for the Marking and Identification of Fishing Vessels” means the Standard Specifications and Guidelines approved by the FAO Committee on Fisheries (COFI) at its 18th Session, Rome, 10-14 April 1989;

¹As proposed in the Final Report of Working Group III [WCPFC/PrepCon/47]

“vessel” means any fishing vessel, as defined in Article 1, paragraph (e) of the Convention and authorized by a member of the Commission to fish in the Convention area beyond areas of the member’s national jurisdiction, and includes a boat, skiff or craft (including aircraft) carried on board the fishing vessel and required for fishing operations;

“operator” means any person who is in charge of or directs or controls a vessel, or for whose direct economic or financial benefit the vessel is being used, including the master, owner, and charterer.

2. REQUIREMENTS AND APPLICATION

2.1 General requirements

2.1.1 Each member of the Commission shall ensure that operators of vessels:

(a) are required to mark the vessels for their identification with their International Telecommunication Union Radio Call Signs (IRCS);

(b) are required to mark vessels to which an IRCS has not been assigned, with the characters allocated by the International Telecommunication Union (ITU) to the member of the Commission concerned or such other characters of national identification as may be required under bilateral fishery agreements and followed by, as appropriate, the fishing authorization or vessel registration number assigned to the vessel by the member of the Commission concerned. In such cases, a hyphen shall be placed between the nationality identification characters and the licence or registration number identifying the vessel.

2.1.2 Whichever system is used from 2.1.1. (a) or (b) above, that identifier shall, hereinafter be called the WCPFC Identification Number (WIN).

2.1.3 The members of the Commission shall ensure that:

(a) apart from the vessel’s name or identification mark and the port of registry as may be required by international practice or national legislation, the WIN as specified shall be the only other vessel identification mark consisting of letters and numbers to be painted on the hull or superstructure;

(b) the requirement for the marking of fishing vessels with the WIN is a condition for authorization to fish in the Convention Area beyond areas of national jurisdiction;

(c) the following are offences under national legislation:

- (i) non-compliance with these specifications;
- (ii) non-marking or wrongful marking of vessel;
- (iii) deliberate removal or obstruction of the WIN;
- (iv) the use of the WIN allocated to another operator or to another vessel; and

(d) offences listed in paragraph 2.1.3.(c) above may be grounds for refusing authorization to fish.

2.2 Markings and other technical specifications

2.2.1 Each member of the Commission shall ensure that the operator displays the WIN in the English language prominently at all times:

(a) on the vessel's hull or superstructure, port and starboard. Operators may place fixtures that are inclined at an angle to the vessel's side or superstructure provided that the angle of inclination would not prevent sighting of the sign from another vessel or from the air;

(b) on a deck, except as provided for in paragraph 2.2.4 below. Should an awning or other temporary cover be placed so as to obscure the mark on a deck, the awning or cover shall also be marked. These marks should be placed athwartships with the top of the numbers or letters towards the bow.

2.2.2 Each member of the Commission shall ensure that that the Operator places the WIN:

(a) as high as possible above the waterline on both sides of the vessel and that such parts of the hull as the flare of the bow and the stern are avoided;

(b) in a manner that does not allow the marks to be obscured by the fishing gear whether it is stowed or in use;

(c) so that they are clear of flow from scuppers or overboard discharges including areas which might be prone to damage or discolouration from the catch of certain types of species; and,

(d) so that they do not extend below the waterline.

2.2.3 Undecked vessels shall not be required to display the WIN on a horizontal surface. However, operators should be encouraged by the member of the Commission, where practical, to fit a board on which the WIN is placed so that it may be clearly seen from the air.

2.2.4 Boats, skiffs and craft carried by the vessel for fishing operations shall bear the same WIN as the vessel concerned.

2.2.5 The members of the Commission shall ensure that operators of vessels comply with the following in placing the WIN on the vessel:

(a) that block lettering and numbering is used throughout;

(b) that the width of the letters and numbers is in proportion to the height;

(c) the height (h) of the letters and numbers is in proportion to the size of the vessel shall be in accordance with the following:

(i) for the WIN to be placed on the hull, superstructure and/or inclined surfaces:

<u>Length of vessel overall (LOA) in metres (m)</u>	<u>Height of letters and numbers in metres (m) is not less than:</u>
25 m and over	1.0 m
20 m but less than 25 m	0.8 m

15 m but less than 20 m	0.6 m
12 m but less than 15 m	0.4 m
5 m but less than 12 m	0.3 m
Under 5 m	0.1 m

- (ii) for the WIN to be placed on deck: the height is not less than 0.3 m for all classes of vessels of 5 m and over;
- (d) the length of the hyphen is half the height of the letters and numbers;
- (e) the width of the stroke for all letters, numbers and the hyphen is $h/6$;
- (f) the space between letters and/or numbers does not exceed $h/4$ nor be less than $h/6$;
- (g) the space between adjacent letters having sloping sides does not exceed $h/8$ nor be less than $h/10$; for example A V.
- (h) the WIN is white on a black background, or black on a white background;
- (i) the background shall extend to provide a border around the WIN of not less than $h/6$;
- (j) good quality marine paint is used throughout;
- (k) the WIN meets the requirements of these Specifications where retro-reflective or heat generating substances are used; and,
- (l) the WIN and the background are maintained in good condition at all times.

3. RECORD OF WCPFC IDENTIFICATION NUMBER (WIN)

3.1 The members of the Commission shall enter the WIN into the Record of Fishing Vessels required to be maintained under article 24, paragraph 4 of the Convention.

4. REVIEW AND AMENDMENT OF SPECIFICATION

4.1 The Commission shall keep these specifications under review and may amend them as appropriate.

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