

## CSF Fishing permits General Conditions 2019 - 20

### Conditions applying to this Fishing Permit

In addition to the conditions specified by sub section 32(5) of the Fisheries Management Act 1991, and the condition in sub section 42(2) to comply with any log book determination, and the condition to comply with any Direction under s41A in accordance with sub section 32(7A), the following conditions are specified for the purposes of sub section 32(6) sub paragraph (a)(i):  
Note: Under sub section 32(8) these conditions may be varied, revoked or a further condition specified by written notice from AFMA.

By s42B(2) of the Act, Regulations may prescribe conditions that apply to fishing concessions. Regulations have been prescribed in the Fisheries Management Regulations 1992 providing conditions that apply to this fishing concession in particular:

Regulation 9D:	Concession holder to ensure that vessel monitoring system is operational
Regulation 9F:	Concession holder to ensure provision for observer and equipment to be carried
Regulation 9G:	Concession holder to ensure observer enabled to perform functions
Regulation 9I:	Fish to be disposed of to fish receiver permit holder*
Regulation 9J - 9ZL:	Catch limits*
Regulation 9ZO:	Prohibited ways of processing fish
Regulation 9ZP:	Removal of shark liver
Regulation 9ZS:	No interaction with protected organism
Regulation 9ZT:	Recording and reporting interaction with protected organism
Regulation 9ZU:	Reporting interaction with protected organism if protected organism injured
Regulation 9ZV:	Reporting interaction with protected organism if protected organism killed
Regulation 9ZX:	Nominated boat used for trip.

\* not applicable to some concessions

### Area of Waters

1. This concession is granted for the area of waters specified in Part 2 of Schedule 1A of the *Fisheries Management Regulations 1992*.

### Gear Limitations

2. This concession authorises the use of the following gear only:
  - (a) Gear detailed in Attachment A.

### Movement Limitations

3. Unless prior approval has been granted by AFMA the holder must not fish outside the Coral Sea Fishery if fishing has been undertaken in the Coral Sea Fishery.
4. Unless fishing in accordance with condition 3, the holder must ensure that:
  - (a) Before entering the Coral Sea Fishery to conduct fishing activity, all fish

- excluding those used for bait on board the boat are unloaded; and
- (b) After fishing in the Coral Sea Fishery, all fish on board the boat are unloaded before fishing is commenced in any other area of waters or fishery.

### **Transshipping Limitation**

5. Unless authorised in Attachment A, the holder must not tranship fish taken with the use of the nominated boat to another boat.

### **Carrying Limitation**

6. Unless authorised in Attachment A, the holder must not carry fish taken by another boat on the nominated boat.

### **Species Limitations**

7. The holder must not take any of the following species:
- (a) Fish of the family Scombridae (tuna and tuna like species) and of the family Bramidae (commonly known as pomfrets or ray's bream) except fish of the genera *Scomberomorus*, *Scomber*, *Acanthocybium*, *Grammatorcynus* and *Rastrelliger* (commonly known as mackerels);
  - (b) Fish of the Families Istiophoridae (commonly known as marlins) and Xiphiidae (commonly known as billfish); and
  - (c) *Cheilinus undulatus* (commonly known as Humphead Maori Wrasse) unless authorised under Attachment A.

Note: Any incidental take of this species must be returned to the water in an alive and vigorous state.

### **Taking/Carrying of Shark Obligations**

8. If Attachment A authorises the take of shark, 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*).

Deepwater dogfishes of the species specified in this condition that are taken alive, must be returned to the water carefully and quickly.

9. 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.

### **Other Obligations**

10. 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.

11. 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.
12. AFMA must be notified immediately of any change in contact details, by fax sent to (02) 6225 5426 or by email to [licensing@afma.gov.au](mailto:licensing@afma.gov.au); and the boat must not depart on a fishing trip unless AFMA has been so notified of the change in contact details.

Note: The emergency contact facility may take the form of a satellite phone number, or skipper or crew member's mobile phone number - any number that may be used by AFMA to contact the boat while it is at sea at any time, including in the event of an emergency.

### **Agent Obligations**

13. 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.

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.

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.

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**

14. The holder must comply with any Direction that fishing is not to be engaged in in the fishery, or a particular part of the fishery or during a particular period or periods made under sub section 41A of the Fisheries Management Act 1991.

### **Temporary Orders Obligations**

15. The holder must comply with any Temporary Order made under sub section 43(2) of the Fisheries Management Act 1991 and to the extent that any provision herein is inconsistent with such Temporary Order sub section 43(9) provides that the provision herein is overridden by the Temporary Order until the Temporary Order ceases to have effect.

### **Navigating in Closed Zones**

16. AFMA may suspend this concession in accordance with this condition, pursuant to section 38(1)(c) of the *Fisheries Management Act 1991*, if it reasonably appears by

VMS transmission from the nominated boat, that there is a failure by that boat while in a closed zone for the purposes of regulation 37B of the *Fisheries Management Regulations 1992*, to meet the exempting provisions of sub regulations 37C(2), or (3) or sub regulation 37D(2) or (3). Such suspension will then continue until the concession holder provides a full written explanation, to the satisfaction of the delegate responsible for issuing that suspension, of the lawful reason for the boat being in that closed zone at that time, or until the expiration of the suspension under sub section 38(2); whichever is the earlier.

## **Mandatory AFMA supplied VMS**

### Direction to Fit

17. When directed by AFMA in writing, the concession holder (or a person acting on the holder's behalf) must;
- a) make available, within 14 days of the date of the written direction, the boat nominated to this concession for the purposes of installation of an AFMA Vessel Monitoring System unit (AFMA VMS unit) by an AFMA approved technician, and
  - b) provide all reasonable assistance to the AFMA approved technician including (but not limited to);
    - i. the provision of an un-interrupted connection to the boat's main power source, and
    - ii. an appropriate position for the mounting of the AFMA VMS unit.
18. When directed by AFMA in writing, the concession holder (or a person acting on the holder's behalf) must;
- a) make available, within 14 days of the date of the direction, the boat nominated to this concession for the purposes of removal of the AFMA VMS unit by an AFMA approved technician, and
  - b) provide all reasonable assistance to the AFMA approved technician.

### Concession holder must not interfere with AFMA VMS Unit

19. The concession holder (or a person acting on the holder's behalf) must not interfere, or attempt to interfere, with the operation of the AFMA VMS Unit.

### 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 56 (a) or 57(a), AFMA may suspend this concession pursuant to section 38(1)(c) of the Fisheries Management Act 1991.*

### **Must maintain VMS Unit**

*Regardless of AFMA's decision to fit an AFMA VMS unit, the holder must continue to maintain a VMS unit in accordance with regulation 9D of the Fisheries Management Regulations 1992.*

### **Remains the property of AFMA**

*At all times the AFMA VMS unit remains the sole property of AFMA. The holder is liable for any costs incurred as a result of loss or damage to the unit.*

## **Handling and treatment of bycatch**

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

Definitions:

**Mistreat** means *taking, or failing to take, any reasonable action or actions, which results, or is likely to result, in the;*

- i. death of, or*
- ii. injury to, or*
- iii. causing of physiological stress to*

*any bycatch.*

**Bycatch** means *any species that physically interact with fishing vessels and/or fishing gear (including auxiliary equipment) and which are not usually kept by commercial fishers. (Bycatch species may include fish, crustaceans, sharks, molluscs, marine mammals, reptiles and birds. Bycatch includes listed protected species under the Environment Protection and Biodiversity Conservation Act 1999.)*

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

- to ensure the safety of the boat and or its crew, or
- to comply with the requirements of any AFMA approved bycatch management plan(s)

(these may include Seabird Management Plans, Vessel Management Plans etc.).