

## **ETBF - CORAL SEA BOAT SFR CONDITIONS 2020**

### **AREA OF WATERS**

1. This concession is granted for the area of waters described as the area specified in Schedule 1 Part 2 of the *Eastern Tuna and Billfish Fishery Management Plan 2010*.

### **Conditions applying to this Statutory Fishing Right**

In addition to the conditions specified by sub section 22(3) of the *Fisheries Management Act 1991*, and the condition in sub section 42(2) to comply with any log book determination, the condition to comply with any Direction under s41A, and the condition to comply with section 42A requiring facilitating boarding and cooperating with inspection by foreign officials under the Fish Stocks Agreement, the following conditions are specified for the purposes of sub section 22(4) paragraph (a)

*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 *Eastern Tuna and Billfish Fishery Management Plan 2010* in particular:

Section 4.1 titled *Who may engage in commercial fishing in the fishery;*  
Section 4.2 titled *Foreign commercial fishing;* and  
Section 4.3 titled *Carrying or processing fish.*

By s42B(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 to be carried.
Regulation 41:	Concession holder to ensure observer enabled 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 is killed by interaction.

\* not applicable to some concessions

### **AREA LIMITATION**

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

### **CONCURRENT CONDITIONS**

3. This concession must only be used in conjunction with another concession held by the same holder using the same nominated boat namely an Eastern Tuna and Billfish Fishery Longline Boat 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 concession.
- (b) A breach, suspension or cancellation of that other concession is a breach, suspension or cancellation of this concession.
  - (c) The conditions of this concession 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 concession.
  - (d) A breach, suspension or cancellation of this concession is a breach, suspension or cancellation of that other concession.

#### **GEAR LIMITATION**

- 4. The holder must:
  - (a) not set more than 500 hooks on any longline set in the area of the Coral Sea Zone as defined in the *Eastern Tuna and Billfish Fishery Management Plan 2010*.
  - (b) Provide the correct frequency of all radio buoys used to locate the boat's pelagic longlines during the retrieval of those fishing lines, if requested by an authorised officer.

*Note: As per section 4 (e) of Division 4.1, Part 4 of the Eastern Tuna and Billfish Fishery Management Plan 2010, the holder may only fish in the coral sea zone if they are using the same boat nominated and registered for a longline boat SFR under their name.*

#### **NAVIGATING IN CLOSED ZONES**

- 5. 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); whichever is the earlier.