

Attachment A

General conditions for the Heard Island and McDonald Islands (HIMI) Fishery - 2019/20

Conditions applying to this Statutory Fishing Right

In addition to the conditions specified by sub sections 22(3) and 22 (4A) of the *Fisheries Management Act 1991* (the Act), and the condition in sub section 42(2) of the Act to comply with any log book determination made by AFMA under subsection 42(1) of the Act, the following conditions are specified for the purposes of paragraph 22(4) (a) of the Act:

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

The concession holder must also comply with all the obligations prescribed in the *Heard Island and McDonald Islands Fishery Management Plan 2002* (the Plan) in particular:

Section 12 titled	<i>Who may fish in the fishery;</i>
Section 13 titled	<i>Quantity of fish that may be taken;</i>
Section 28 titled	<i>Environmental requirements; and</i>
Section 30 titled	<i>Other obligations of holders of statutory fishing rights.</i>

Further, the concession holder must comply with all obligations prescribed in the *Fisheries Management (Heard Island and McDonald Islands Fishery) Regulations 2002* in particular:

Regulation 8 titled	Mesh size of trawl nets;
Regulation 9 titled	Size of fishing gear;
Regulation 10 titled	Net monitor cables;
Regulation 15 titled	Appointment of data collection officer;
Regulation 16 titled	Data collection officer's duties;
Regulation 17 titled	Payment of data collection officer;
Regulation 19 titled	Nominated surveyor's inspection;
Regulation 20 titled	Declaration by owner or operator;
Regulation 21 titled	Identification of International Telecommunications Union Radio/Call Sign (IRCS);
Regulation 22 titled	Identification of marker buoys;
Regulation 24 titled	Mechanical breakdown of meal plant;
Regulation 25 titled	Report to AFMA;
Regulation 26 titled	Contingency arrangements for breakdown of meal plant;
Regulation 27 titled	When contingency arrangements do not apply;
Regulation 29 titled	Disposal of fish meal;

Regulation 30 titled CCAMLR inspections;
Regulation 31 titled Inspections when in port;
Regulation 32 titled Report on inspection;
Regulation 33 titled Packaging and labeling of fish; and
Regulation 34 titled Unloading of fish - notice requirements.

By section 42B (2) of the Act, Regulations may prescribe conditions that apply to fishing concessions. Regulations have been prescribed in the *Fisheries Management Regulations 2019* (FM Regulations) 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 44 - 65: Catch limits.*
Regulation 66 - 68: Fish processing during a trip.
Regulation 70: No interaction with protected organism.
Regulation 71: Reporting interaction with protected organism.
Regulation 72: Requirements if protected organisms is injured by interaction.
Regulation 73: Requirements if protected organisms killed by interaction.

* not applicable to some concessions

Any terms used in these conditions that are defined in the Act, the Plan, the *Fisheries Management (Heard Island and McDonald Islands) Regulations 2002* or FM Regulations are to be read consistently.

Area of the Fishery

1. This concession is granted for the area of the fishery as described in Schedule 1 of the Plan.

Area Limitations

2. The concession holder must not fish under this concession outside the area of the fishery.

Gear Limitations

3. The concession holder is permitted to use longline fishing methods to target Patagonian Toothfish during the period 1 May to 14 September. Further, longline fishing to target Patagonian Toothfish is permitted during the longline season extension period 1 April to 30 April and 15 September to 30 November. The extensions to the longline fishing season is subject to a total catch limit of three (3) seabirds per boat as outlined in paragraph 14 below.

4. The concession holder must tow paired streamer lines when deploying longlines. Each of the two streamer lines must be set up in accordance with specifications of streamer lines and method of deployment given in Annex 25-02/A of CCAMLR Conservation Measure (CM) 25-02 (2018).
5. The concession holder must use internally weighted longlines with an integrated weight of at least 50g/m.
6. A bird exclusion device (BED) designed to discourage birds from accessing baits during the hauling of longlines must be deployed to the extent allowed by prevailing weather conditions. Guidelines for a BED are given in Annex 25-02/B of CCAMLR CM 25-02 (2018).
7. The concession holder may use trawl methods to target Patagonian Toothfish and Mackerel Icefish from 1 December to 30 November but must not fish for Mackerel Icefish using mid-water trawl gear during the period 1 February to 31 March in any year.
8. The concession holder must not use any means or device which would obstruct or diminish the size of the meshes of trawl gear.
9. The concession holder shall ensure trawl nets are cleaned prior to shooting to remove items that might attract birds.
10. If three (3) or more seabirds are caught and killed by mid-water trawl gear used under this concession in a fishing season, the concession holder:
 - a. must immediately cease fishing using mid-water trawl gear during daylight hours (i.e. during the period after nautical dawn and before nautical dusk); and
 - b. may only fish using mid-water trawl gear during the hours of darkness between the times of nautical twilight (i.e. during the period after nautical dusk and before nautical dawn) for the remainder of that season.

Note: In these conditions nautical twilight means the times set forth in the Nautical Almanac tables for the relevant latitude, local time and date. A copy of the algorithm for calculating these times is available from the CCAMLR Secretariat.

11. The concession holder must ensure that the Fishery operates under Coordinated Universal Time (UTC) and that all times for boat operations are referenced to UTC.
12. The concession holder is permitted to use pot fishing method to target Patagonian Toothfish from 1 December to 30 November.
13. During the period 1 December to 30 November the concession holder is permitted to retrieve any fishing gear that has previously been reported to AFMA as lost under paragraph 28 1(b) of the Plan or that has been lost by Illegal, Unreported or Unregulated (IUU) fishing operators.

Interactions with Seabird Obligations

14. If three (3) seabirds are caught during the season extension period outlined in Condition 3, longline fishing shall cease immediately for that boat for the remainder of the season extension in that fishing season.
15. If the boat nominated to this concession is involved in an incident that results in a seabird being caught, the concession holder must:
 - a. if the bird is alive, make every effort to ensure that the bird is released alive and that, wherever possible, any hooks are removed without jeopardising the life of the bird; or
 - b. if the bird is dead, ensure:
 - i. if feasible, the dead seabird is brought aboard the boat;
 - ii. provide whatever assistance is necessary for the observer to:
 - take photographs or video footage of the dead seabird;
 - keep whatever parts of the dead seabird the observer believes are necessary (including, in particular, leg rings of banded seabirds); and
 - collect any other data and make any other observations requested by AFMA.
 - c. immediately tell the observer on board the boat about the incident, and allow the observer to observe the consequences of the incident.
 - d. notify AFMA in writing about the incident within 24 hours after the incident, including:
 - i. number of seabirds caught;
 - ii. species of seabirds caught;
 - iii. life status of seabirds caught;
 - iv. type of bait used;
 - v. fishing gear and mitigation measures used and stage of operation when the seabird bycatch occurred;
 - vi. time of day/night of line setting and haul (UTC);
 - vii. date and location of the catch;
 - viii. any external factors (such as weather conditions and moon phase) that may influence seabird bycatch; and
 - ix. whether the bird is dead or alive, and, if applicable, a description of the injuries the bird sustained;
 - x. if the bird is banded;
 - xi. whether the seabird was retained on board the boat or released.
16. The concession holder has not complied with the above paragraph unless AFMA has replied in writing within 72 hours, stating that the concession holder's notification has been fully received. The concession holder must re-send the report if AFMA has not replied in writing within 72 hours.

Interactions with Marine Mammals Obligations

17. If the boat nominated to this concession is involved in an incident that results in an injury to, or the death of, a marine mammal, the concession holder must:
 - a. either:
 - i. if the mammal is injured ensure that the marine mammal is given as much assistance as is practicable; or
 - ii. if the mammal is dead,
 - a. provide whatever assistance is necessary for the observer to:
 - i. take photographs or video footage of the dead mammal; and
 - ii. while meeting any boat food safety requirements established by the Australian Department of Agriculture, keep whatever parts of the carcass the observer believes are necessary; and
 - iii. collect any other data, or make any other observations, requested by AFMA; and
 - b. discharge the remains of the carcass from the boat in a manner that does not attract birds or mammals to the boat;
 - b. report the interaction to the observer on board the boat about the incident, and allow the observer to observe the consequences of the incident; and
 - c. Notify AFMA in writing about the interaction within 24 hours after the incident.

18. The concession holder has not complied with the above paragraph unless AFMA has replied in writing within 72 hours from when the report was sent, stating that the holder's transmission has been fully received. The concession holder must re-send the report if AFMA has not replied in writing within 72 hours.

Interactions with other bycatch Obligations

19. All skates and rays must be brought on board or alongside the roller to be checked for tags and for their condition to be assessed. Unless otherwise specified by observers, all other skates and rays caught alive with a high probability of survival should be released alive, cutting snoods, and when practical removing the hooks.

Movement Obligations

20. If the concession holder takes in any one haul more than 100 kg of *Champscephalus gunnari* (Mackerel Icefish), and more than 10% of *Champscephalus gunnari* by number are smaller than 240mm total length, the boat nominated to the concession shall:
 - a. move to another fishing location at least 5 nautical miles distant;
 - b. must not set any gear at any point within 5 nautical miles of the location where the catch of small *Champscephalus gunnari* exceeded 10% for a period of at least five days; and
 - c. notify AFMA in writing about the move on obligation within 24 hours after the incident.

21. The location where the catch of small *Champscephalus gunnari* exceeded 10% is defined as the path followed by the boat from the point at which the fishing gear was first deployed from the boat to the point at which the fishing gear was retrieved by the boat.

Note: The total length of a mackerel icefish is considered to be the distance from the tip of the snout to the furthest tip of the tail.

22. If the concession holder takes in any one haul an amount of bycatch, regardless of whether it is retained or released, of:
- a. 5 tonnes or more of the species Unicorn Icefish; or
 - b. 3 tonnes or more of all *Macrourus spp* combined; or
 - c. 2 tonnes or more of Grey rockcod; or
 - d. 2 tonnes or more of *Somniosus spp*; or
 - e. 2 tonnes or more of skates and rays; or
 - f. 1 tonne or more of any other species for which bycatch limits apply.

The concession holder must:

- a. ensure that the boat does not, for five days at any point within 5 nautical miles of the location of the haul, use that same fishing method to fish; and
- b. notify AFMA in writing about the move on obligation within 24 hours after the incident.

Note: For a trawl the path is defined from the point at which the fishing gear was first deployed from the boat to the point at which the fishing gear was retrieved by the boat. For a longline the path is defined from the point at which the first anchor of a set was deployed to the point at which the last anchor of that set was deployed. For a longline, a haul refers to a single longline regardless of how contiguous sections of gear are connected

Handling and treatment of bycatch

23. The concession holder (or a person acting on the holder's behalf) must not mistreat bycatch.
24. The concession holder must, where reasonably possible, release alive shark taken as bycatch, especially juveniles and gravid females.

Definitions: For the purpose of clauses 22 and 23 above:

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 boats 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.).

Transshipping Obligations

25. The concession holder must notify AFMA via email AntarcticReporting@afma.gov.au and the CCAMLR Secretariat via email [cgs@ccamlr.org](mailto:cds@ccamlr.org) of any transshipments within the CCAMLR Convention Area by providing the following details for all boats involved in the transshipment:
 - a. name
 - b. IMO number
 - c. International Radio Call Sign (IRCS)
 - d. Flag State
 - e. proposed time, date and position, in latitude and longitude, of transshipment.

26. Any transshipment notification must include details of the type and amount of harvested marine living resources and any other goods or materials to be transhipped.

27. Any transshipment notifications must be sent at least 72 hours in advance of the boat transshipping for harvested Antarctic marine living resources, bait or fuel and at least two (2) hours in advance for all other goods or materials.

28. The concession holder may, upon written approval from AFMA:
 - a. carry fish taken with the use of another boat on the nominated boat; or
 - b. tranship fish caught by the nominated boat to another boat by transferring at sea (or outside of a port) provided the AFMA observer agrees with the quantity transhipped as specified on the *Dissostichus* catch document, and notifies AFMA of their concurrence in writing.

29. The concession holder must, within three (3) working days of any of its vessels having transhipped within the Convention Area, confirm the information provided in accordance with paragraphs 25 or 26 to the Secretariat and AFMA using the template shown in Annex 10-09/A of CCAMLR CM 10-09 or indicate if this information has changed.

Observer Obligations

30. The boat nominated to this concession must have at least two scientific observers, on board whilst conducting any fishing activities within the fishing season or season extensions.
31. One scientific observer may be a data collection officer as specified in paragraph 32 below.
32. If the concession holder appoints a data collection officer as a scientific observer on board the nominated boat:
 - a. the data collection officer must be:
 - i. approved by AFMA; and
 - ii. employed by an agency on the Register of Accredited Agencies kept by AFMA; and
 - b. the concession holder must pay the agency with whom the data collection officer is employed a fixed daily rate that:
 - i. is not subject to the amount of fish caught;
 - ii. does not include the payment of a bonus; and
 - iii. is not paid directly to the data collection officer.
33. The concession holder must:
 - a. not direct the duties of the data collection officer;
 - b. ensure that the data collection officer has no other duties on the nominated boat relating to crewing the boat; and
 - c. ensure that the data collection officer works in cooperation with the other observer(s) on the boat.
34. The concession holder must give scientific observers the status of ship's officers. Accommodation and meals for scientific observers on board must be of a standard commensurate with this status. This is what AFMA considers to be adequate food and accommodation for the purpose of Division 5 regulation 40 of the FM Regulations.
35. The concession holder must not:
 - a. offer a scientific observer, either directly or indirectly, any gratuity, gift, favour, loan or anything of monetary value, except for meals, accommodations or salary when provided by the vessel;
 - b. intimidate, or interfere with the duties of a scientific observer;
 - c. interfere with or bias the sampling procedure employed by a scientific observer;
 - d. tamper with, destroy, or discard a scientific observer's collected samples, equipment, records, photographic film, papers, or effects without the express consent of the observer;
 - e. prohibit, impede, threaten, or coerce, an observer from/into collecting samples, making observation, or otherwise performing the observer's duties;
 - f. harass a scientific observer; or

- g. interfere with or prevent the observer from communicating with the Designating Member, including by preventing the scientific observer from having access to the vessel's communication equipment.
- 36. To obtain AFMA Scientific observer(s) for the nominated boat, the concession holder must provide AFMA with at least 21 days notice before the date of departure.
- 37. The concession holder must ensure that scientific observers are given assistance by the concession holder, the master of the boat and the crew members of the boat, and has access to all areas of the boat, so as to enable the observers to carry out their data collection duties to the extent reasonably necessary, as specified in the CCAMLR Scientific Observers Manual and Annex I of the Text of the Scheme of International Scientific Observation, as amended from time to time, without impediment or influence.
- 38. The concession holder must help each scientific observer on board the nominated boat:
 - a. record the number, type and circumstance of each interaction of the nominated boat with seabirds or mammals;
 - b. record details of other boats sighted, and information about the activities of those boats in the AFZ including vessel type identification, vessel position, activity;
 - c. assist with meeting the tagging requirements for the fishery; and
 - d. cooperate and assist the observer with performing data collection requirements if requested by the observer (*e.g. Conversion Factor tests, lifting*).
- 39. The concession holder must not interfere with or prevent the scientific observer from communicating with his/her employer, including by preventing the scientific observer from having access to the boat's communication equipment.
- 40. The concession holder must ensure that any AFMA observer on board the nominated boat during a trip is given access to internet (available via wifi or cabling) for the purpose of:
 - a. communicating with AFMA and other government agencies as required from time to time; and
 - b. reasonable personal use.
- 41. Where an observer onboard the boat is injured or falls ill the concession holder must:
 - a. take all reasonable action to ensure they are provided with adequate medical care including, at the master's discretion, the immediate return of the boat or the evacuation of the observer to a location able to provide appropriate medical care;
 - b. immediately contact the AFMA Duty Officer (24hrs) by phone on +612 6275 5818 to report injury or illness; and
 - c. within 12 hours of an observer reporting to the Master of taking ill or suffering an injury which prevents them from completing their duties, inform AFMA via email AntarcticReporting@afma.gov.au of the following:
 - i. current condition of the observer;
 - ii. likely illness or, in case of an injury, a detailed description of the cause of the injury;

- iii. treatment of the observer and if any further medical assistance is required or to be obtained;
- iv. extent of incapacity of the observer;
- v. expected duration of the illness/incapacity, if known;
- vi. current activity of the boat (e.g. steaming to port, fishing, searching); and
- vii. expected date of return to port.

42. If the illness or injury is likely to last less than five (5) days such as viruses, flu, sprained ankle or where the boat is likely to cease fishing within five (5) days and return to port:

- a. the boat may function with one observer;
- b. AFMA and the remaining observer will agree on a reduced program for observation for the duration of the illness. This will be done at the time and will depend on the expected activity of the boat and the level of contribution the incapacitated observer can continue to make (e.g. bird counts from the wheelhouse);
- c. the reduced program will still include elements of both fisheries and ecological data collection; and
- d. the holder and/or the master will report to AFMA at least every second day on the health of the ill observer and the effectiveness and practicality of the arrangements implemented.

43. If the illness or injury is likely to cause the observer to be unfit for duty for a period in excess of five (5) days:

- a. the holder must provide a crew member, suitable to the unaffected observer, to act as an assistant to the unaffected observer in their work;
- b. AFMA and the unaffected observer will agree on a reduced program for observation and suitable duties for the deputised crew member. This will be done at the time and will depend on the expected activity of the boat, the expertise of the deputised crew member and the level of contribution the incapacitated observer can continue to make (e.g. bird counts from the wheelhouse);
- c. the reduced program will still include elements of both fisheries and ecological data collection; and
- d. the holder and/or the master will report to AFMA at least every second day on the health of the incapacitated observer and the effectiveness and practicality of the arrangements implemented.

44. Should both observers fall ill or suffer an injury that simultaneously prevents both of them from carrying out their duties, the holder must advise AFMA within 12 hours of the second observer, or both observers, reporting to the master of taking ill or suffering an injury:

- a. current condition of the observers;
- b. likely illness/es or, in case of an injury/s, a detailed description of the cause of the injury/s;
- c. treatment of the observers and if any further medical assistance is required or to be obtained;
- d. extent of incapacity of the observers;

- e. expected duration of the illness/incapacity, if known;
- f. current activity of the boat (e.g. steaming to port, fishing, searching); and
- g. expected date of return to port.

45. Subject to the particular circumstances prevailing at the time, AFMA will advise the holder of an appropriate course of action, which may include a cessation of fishing activity, until at least one observer is fit enough to undertake their duties.

Note: For the purposes of these contingency arrangements an advice to AFMA is considered to be contacting the AFMA Observer Manager during office hours (8am-5pm, Monday to Friday) on telephone number +612 6225 5555 or 24 hours on +61 427 496 446 or email at AntarcticReporting@afma.gov.au. Email messages will not be taken to be received unless they are confirmed, in writing by AFMA within 72 hours. If unable to contact the AFMA Observer Manager advice may be made to the AFMA Duty Officer 24 hours on phone number +612 6275 5818.

46. In the event an observer dies, is missing or presumed fallen overboard, the concession holder must:

- a. immediately suspend all fishing operations;
- b. immediately commence search and rescue if the observer is missing or presumed fallen overboard, and search for at least 72 hours, or until the search is called off by the Maritime Rescue Coordination Centre (MRCC), unless the observer is found sooner, or unless instructed by the Receiving Member to continue searching;
- c. immediately notify the AFMA Observer Manager during office hours (8am-5pm, Monday to Friday) on telephone number +612 6225 5555 or 24 hours on 0427 496 446, and email AntarcticReporting@afma.gov.au. If unable to contact the AFMA Observer Manager advice may be made to the AFMA Duty Officer 24 hours on phone number +612 6275 5818.
- d. immediately notify the appropriate MRCC and alert other boats in the vicinity by using all available means of communication;
- e. cooperate fully in any search and rescue operation;
- f. provide a report to the appropriate authorities on the incident; and
- g. cooperate fully in any and all official investigations and with all directions, including by returning to port if appropriate, and preserves any potential evidence and the personal effects and quarters of the deceased or missing observer.

47. In the event an observer dies, the concession holder must ensure that the body is well-preserved for the purposes of an autopsy and investigation.

48. In the event that an observer suffers from a potentially serious illness or serious injury that may threaten his or her life or safety, the concession holder must seek medical advice through the relevant MRCC. If the MRCC has been advised by the pertinent medical professional that the observer suffers from a serious illness or injury that threatens his or her life or safety, the concession holder must:

- a. immediately suspend fishing operations;
- b. immediately notify the Receiving Member and the MRCC;

- c. take all reasonable actions to care for the observer and provide any medical treatment available and possible on board the boat;
- d. if recommended by the MRCC or requested by AFMA, facilitate the disembarkation and transport of the observer to a medical facility equipped to provide the required care, as soon as practicable; and
- e. cooperate fully in any and all official investigations into the cause of the illness or injury.

Reporting Obligations

49. At least 24 hours prior to a nominated boat leaving port to commence fishing, the concession holder must notify AFMA, via email to AntarcticReporting@afma.gov.au. The notification must include the name of the port of departure and an estimated time and date of departure.
50. The concession holder must notify both AFMA (via email to AntarcticReporting@afma.gov.au) and the CCAMLR secretariat (via email to data@ccamlr.org) before the boat enters, exits or moves between Statistical Subareas and Statistical Divisions of the CCAMLR Convention Area using the format outlined in Annex 10-04/A of CM 10-04 (2018); and
51. Whilst fishing, the concession holder must transmit the form CCAMLR Data Form CEfv2020 (ten (10) day catch and effort report) before the third day after the end of each ten (10) day period (days 1-10, 11-20, 21-end of the month respectively) to the Data Manager via email AntarcticReporting@afma.gov.au and AAD via email AntarcticObserver@aad.gov.au.
52. For trawl operations, the concession holder must:
 - a. ensure the CCAMLR Data Form CEfv2020, CCAMLR Data Form C1v2019 (electronic Fine-Scale Catch and Effort Data for Trawl Fisheries) is accurately completed in accordance with the instructions contained in the electronic logbooks;
 - b. ensure that within seven (7) days after the end of the month in which fishing took place, CCAMLR Data Form C1v2019 is supplied to the AFMA Data Manager via email AntarcticReporting@afma.gov.au and to AAD via email AntarcticObserver@aad.gov.au;
 - c. ensure that within seven (7) days of the boats return to port the CCAMLR Data Form C1v2019 is supplied to the AFMA Data Manager via email AntarcticReporting@afma.gov.au and to AAD via email AntarcticObserver@aad.gov.au.
53. For longline operations, the concession holder must:
 - a. ensure the CCAMLR Data Form CEfv2020, CCAMLR Data Form C2v2019 (electronic Fine-Scale Catch and Effort Data for Longline Fisheries) is accurately completed in accordance with the instructions contained in the electronic logbooks;

- b. ensure that within seven (7) days after the end of the month in which fishing took place, CCAMLR Data Form C2v2019 is supplied to the AFMA Data Manager via email AntarcticReporting@afma.gov.au and to AAD via email AntarcticObserver@aad.gov.au;
- c. ensure that within seven (7) days of the boats return to port, CCAMLR Data Form C2v2019 is supplied to the AFMA Data Manager via email AntarcticReporting@afma.gov.au and to AAD via email AntarcticObserver@aad.gov.au.

54. For pot operations, the concession holder must:

- a. ensure the CCAMLR Data Form CEfv2020, CCAMLR Data Form C5v2019 (electronic Fine-Scale Catch and Effort Data for Pot Fisheries, including Pot Design) are accurately and fully completed in accordance with the instructions contained in the electronic logbooks;
- b. ensure that within seven (7) days after the end of the month in which fishing took place, CCAMLR Data Form C5v2019 is supplied to the AFMA Data Manager via email AntarcticReporting@afma.gov.au and to AAD via email AntarcticObserver@aad.gov.au; and
- c. ensure that within seven (7) days of the boats return to port, CCAMLR Data Form C5v2019 are supplied to the AFMA Data Manager via email AntarcticReporting@afma.gov.au and to AAD via email AntarcticObserver@aad.gov.au.

55. If it is not possible to transmit via electronic logbook any one or more reports referred to within the time frames, then the concession holder must contact the AFMA Data Manager at email AntarcticReporting@afma.gov.au to identify alternative means to provide the information to AFMA.

56. If it is not possible to transmit any one or more of the reports or an acknowledgment of any of those reports is not received within nine (9) days of the end of a reporting period, then the concession holder must:

- a. immediately stow all fishing gear and take the boat directly to a port;
- b. as soon as possible, report to AFMA that the boat is being, or has been, taken to the above-mentioned port with gear stowed, due to an inability to transmit the reports; and
- c. as soon as possible (whether before or after arriving at port), transmit any outstanding reports to AFMA.

Note: A transmission will not be taken to have been received by AFMA unless a return email is sent by AFMA within 72 hours and received by the concession holder/Master in reply, stating that the complete report has been received. The concession holder must re-send the report if AFMA has not replied in writing within 72 hours.

57. The concession holder must record and at the end of each fishing trip report to AFMA, via email AntarcticReporting@afma.gov.au, the total number and weight of each species taken, including amounts taken for personal consumption or rendered to offal. These amounts will be decremented against quota allocations and the total allowable catch for each species.

Reporting of Boat Sightings

58. The concession holder must ensure, in the event that the master of the boat sights a fishing boat within the Convention Area that is not authorised to fish in the HIMI fishery, that the master documents as much information as possible on each such sighting, including:
- a. name and description of the boat;
 - b. boat call sign;
 - c. registration number and the Lloyds/IMO number of the boat;
 - d. Flag State of the boat;
 - e. photographs of the boat to support the report; and
 - f. any other relevant information regarding the observed activities of the sighted boat.
59. The concession holder must ensure that the master forwards a report containing the information referred to in the above paragraph to AFMA via email AntarcticReporting@afma.gov.au as soon as possible.

Other Obligations

60. The concession holder must ensure that no offal or bycatch is discharged from the boat in the fishery or within the exclusive economic zone (EEZ) of another country, unless in compliance with paragraphs 19 and 24 or if offal is discharged in the EEZ southwest of the following line:
- a. 069°30' East, and the point that intersects with the HIMI / Kerguelen EEZ
 - b. 53°00' South, 070°30' East
 - c. 54°30' South, 070°30' East
 - d. 55°30' South, 072°30' East
 - e. 56°00' South, and the point that intersects with the HIMI EEZ.

Note: If discharging offal in the waters described above, the concession holder must advise AFMA in writing within 24 hours after the completion of the offal discharge, including the time (UTC) and coordinates where the discharge took place.

61. Before any offal is discharged from the nominated boat the concession holder must remove all fish hooks from the offal prior to discharge.

62. The concession holder must ensure that no plastics are discharged into the sea, in accordance with MARPOL Annex V on Regulations from the Prevention of Pollution by Garbage from ships.

Note: MARPOL Annex V, paragraph 1 does not apply to:

(i) the discharge of plastics from a vessel necessary for the purpose of securing the safety of a vessel and those on board or saving life at sea; or

(ii) the accidental loss of plastics resulting from damage to a vessel or its equipment provided that all reasonable precautions have been taken before and after the occurrence of the damage, to prevent or minimise the accidental loss; or,

(iii) the accidental loss of fishing gear consisting of or containing plastic from a vessel provided that all reasonable precautions have been taken to prevent such loss; or

(iv) the discharge of fishing gear consisting of or containing plastic from a vessel for the protection of the marine environment or for the safety of that vessel or its crew.

63. The concession holder must ensure that no plastic packaging bands are used to secure bait boxes.

64. The concession holder must not use plastic packaging bands for any other purposes on the fishing vessel unless there is an on-board incinerator (closed system). The concession holder must ensure that any packaging bands, once removed from packages, shall be cut into approximately 30cm sections so that they do not form a continuous loop and at the earliest opportunity are incinerated. Any plastic residue shall be stored on board the vessel until it can be discharged at adequate port reception facilities and in no case discarded at sea.

65. The concession holder, is prohibited from dumping or discharging oil or fuel products or oily mixtures into the sea, in accordance with MARPOL Annex I.

66. The concession holder must ensure that an extract from the Register, or a true copy of it, is carried by the fishing boat and is available for inspection at any time by a maritime officer or a designated CCAMLR inspector.

67. For the boat nominated to this concession, at all times when the boat is being used under this concession, the concession holder must have provided to AFMA via email AntarcticReporting@afma.gov.au a current emergency contact facility for the nominated boat.

68. The emergency contact facility provided by the concession holder 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.

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.

69. The concession holder must immediately notify AFMA of any change in contact details, by email to AntarcticReporting@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.
70. The concession holder must ensure that the unload of any toothfish product does not commence until an authorised inspector is present.
In this paragraph:
 - a. 'offal' is defined as bait and by-products from the processing of fish and other organisms, including parts or sections of fish or organisms which are by-products of processing
 - b. 'discards' are defined as whole fish or other organisms returned to the sea dead or with low expectation of survival, as described in the Observer Longline Logbook 'Observed Haul Catch' form instructions.

Catch Documentation Scheme

71. The concession holder must:
 - a. ensure that each landing or transshipment of *Dissostichus* species is accompanied by an accurately completed DCD as outlined in Annex 10-05/A, Attachment 1 of CCAMLR CM 10-05 (2018); and
 - b. send a copy of the completed DCD by electronic means to AFMA via email AntarcticReporting@afma.gov.au.

In this clause:

"DCD": means a *Dissostichus* catch document.

"transshipment": means the transfer of *Dissostichus* species that have not previously been landed, from one boat to another, either at sea or in port.

"landing": means the initial unloading or transfer of *Dissostichus* spp. in any form from a boat to dockside, even if subsequently transferred to another boat, in a port or free-trade zone where the *Dissostichus* spp. are certified by an authority of the Port state as landed. The definition also includes the offload or transfer in port of *Dissostichus* species from a vessel to a container.

72. The concession holder must land catch only in States that are fully implementing the CCAMLR Catch Documentation Scheme (CDS) as listed in Appendix A.

Vessel Monitoring System Obligations

73. The concession holder must have installed on the nominated boat an operational Automatic Location Communicator (ALC) at all times. The ALC must meet the minimum standards contained in Annex 10-04/C to CCAMLR CM 10-04 (2018).

In this clause: an ALC means a satellite position transmitter that is capable of continuously, automatically and independently of any intervention of the vessel, transmitting the vessel monitoring system (VMS) data.

74. The concession holder must ensure that:
- i. the ALC is not tampered with in any way;
 - ii. VMS data are not altered in any way;
 - iii. the antennae connected to the ALC is not obstructed in any way;
 - iv. the power supply to the ALC is not interrupted in any way; and
 - v. the ALC must not be moved from the boat, except for the purpose of repair or replacement.
75. If the ALC fails to transmit VMS data while at sea, manual positional reports must be provided every four hours to AFMA (via email to VMSreporting@afma.gov.au) and the CCAMLR Secretariat (via email to vms@ccamlr.org).
76. If the ALC fails to transmit VMS data, the concession holder must repair or replace the ALC as soon as possible, and within two months of the VMS data transmission failure.
77. When in port, if the nominated boat is undergoing maintenance, berthed for an extended period or in other exceptional circumstances that render ALC operation impractical, the concession holder can apply for a Temporary Switch Off (TSO) by sending a completed 'Application for VMS Temporary Switch Off' form to AntarcticReporting@afma.gov.au at least 72 hours prior to the ALC being switched off.
78. The concession holder must ensure that the ALC is not be switched off without first obtaining a TSO.
79. The concession holder must ensure that the nominated boat does not move from the place stipulated under the TSO without prior written approval from AFMA.

Direction to Fit

80. 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 ALC unit by an AFMA marine technician; and
 - b. provide all reasonable assistance to the AFMA marine 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 ALC unit.

81. 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 ALC unit by an AFMA approved technician; and
 - b. Provide all reasonable assistance to the AFMA marine technician.

The concession holder must not interfere with the AFMA VMS Unit

82. 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 ALC Unit.

Definitions:

AFMA ALC Unit: An Automatic Location Communicator 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 ALC unit, or
- Deliberately disconnecting or otherwise interfering with the power supply to the AFMA ALC unit, or
- Deliberate physical interference with the casing or any external or internal components of the AFMA ALC unit.

Notes:

Must Make boat available: Where the boat is not made available in accordance with condition 15 1 (a) or 15 2(a), AFMA may suspend this concession pursuant to paragraph 38(1)(c) of the Act.

Must maintain ALC Unit: Regardless of AFMA's decision to fit an AFMA ALC unit, the holder must continue to maintain an ALC in accordance with regulation 37 of the FM Regulations.

Remains the property of AFMA: At all times the AFMA ALC unit remains the sole property of the Commonwealth of Australia, as represented by AFMA. The holder is liable to the Commonwealth of Australia for the payment of any costs incurred as a result of loss or damage to the unit.

Agent Obligations

83. The concession holder accepts concurrent liability for all conduct infringing the Act, any delegated legislation made under the Act or any condition on their concession by its servants or agents who may be engaged by the concession holder to conduct on the holder's behalf activity under this concession.
84. Liability for the conduct of the concession 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.
85. The concession 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 concession 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.
86. The concession holder must not give any indemnity to their servant or agent as to their conduct of activity authorised by this concession.

Temporary Orders Obligations

87. The concession holder must comply with any Temporary Order made by AFMA under sub section 43(2) of the Act and to the extent that any concession condition is inconsistent with a Temporary Order sub section 43(9) provides that the concession condition is overridden by the Temporary Order until the Temporary Order ceases to have effect.

Direction Obligations

88. The concession 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 Act.

Navigating in Closed Zones

89. AFMA may suspend this concession in accordance with this condition, pursuant to section 38(1)(c) of the Act, 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 Division 3 regulation 85 of the FM Regulations, 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.

Inspections when in port

90. The concession holder must, at least 48 hours in advance of port entry:
 - a. Provide the information required in the template within CM 10-03 (2019) Annex 10-03/A to the Port State and AFMA at AntarcticReporting@afma.gov.au; and
 - b. Convey a written declaration that they have:
 - i. not engaged in or supported IUU fishing in the CCAMLR Convention Area; and
 - ii. complied with relevant requirements.

91. The concession holder must, on request by a person, allow the person to inspect the holder's nominated boat if:
 - a. the boat is anchored or moored at a port in a State or Territory of Australia, or at a port in another country; and
 - b. the person is authorised to inspect the boat under a law of the State, Territory or country.

92. If an inspection is conducted:
 - a. at a port in a country other than Australia; and
 - b. by a person who is authorised to do so under a law of that country relating to fisheries; the concession holder must, within 72 hours after the inspection, send AFMA a notification of the inspection, via email AntarcticReporting@afma.gov.au. The notification must include the following details:
 - i. the nominated boat's name;
 - ii. the data and time of the inspection;
 - iii. the location of the boat when the inspection was conducted; and
 - iv. the nationality of the inspector.

APPENDIX A- States that are fully implementing the CCAMLR Catch Documentation Scheme (CDS)

CCAMLR Members

Argentina
Australia
Belgium
Brazil
Chile
China, People's Republic of
European Union
France
Germany
India
Italy
Japan
Korea, Republic of
Namibia
Netherlands
New Zealand
Norway
Poland
Russian Federation
South Africa
Spain
Sweden
Ukraine
United Kingdom of Great Britain and Northern Ireland
United States of America
Uruguay

Acceding States

Bulgaria
Canada
Cook Islands
Finland
Greece
Mauritius
Pakistan, Islamic Republic of
Panama, Republic of
Peru
Vanuatu