

ATTACHMENT A – General Condition – amended 23-12-19

Conditions applying to this High Seas 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, the condition to comply with any Direction under s41A in accordance with sub section 32(7A), the condition to comply with section 42A requiring facilitating boarding and cooperating with inspection by foreign officials under the United Nations Fish Stocks Agreement or measure established by an international fisheries management organisation, and the condition in section 40C to comply with any obligation and restriction concerning the e-monitoring of fishing activity, 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 2019* (the 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 43:	Fish to be disposed of to fish receiver permit holder*
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

DEFINITIONS

In these conditions:

Abandoned fishing gear means fishing gear deliberately left at sea by a vessel due to force majeure or other unforeseen reasons.

AFMA VMS Unit means a VMS unit wholly owned by AFMA, marked with AFMA identifications and supplied by AFMA and fitted by an AFMA approved technician.

CMM 03-2019 means the Convention and Management Measure for the Management of Bottom Fishing in the SPRFMO Convention Area published in March 2019, as that document exists at the issue date of this permit.

Note: The CMM 03-2019 could in 2019 be viewed on the South Pacific Regional Fisheries Management Organisation's website (<<https://www.sprfmo.int>>).

CMM 03a-2019 means the Conservation and Management Measure for Deepwater Species in the

SPRFMO Convention Area published in March 2019, as that document exists at the issue date of this permit.

Note: The CMM 03a-2019 could in 2019 be viewed on the South Pacific Regional Fisheries Management Organisation's website (<https://www.sprfmo.int>).

CMM 12-2018 means the Conservation and Management Measure for the regulation of Transshipment and Other Transfer Activities (Transshipment) published in May 2018, as that document exists at the issue date of this permit.

Note: The CMM 12-2018 could in 2019 be viewed on the South Pacific Regional Fisheries Management Organisation's website (<https://www.sprfmo.int>).

CMM 10-2019 means the Conservation and Management Measure for the Monitoring of Fisheries in the Agreement Area (Monitoring) published in October 2019, as that document exists at the issue date of this permit.

Note: The CMM 10-2019 could in 2019 be viewed on the Southern Indian Ocean Fisheries Agreement's website (<https://www.apsoi.org>)

CMM 13-2019 means the Conservation and Management Measure on the mitigation of seabirds bycatch in demersal longlines and other demersal fishing gears fisheries (Mitigation of Seabirds Bycatch) published in October 2019, as that document exists at the issue date of this permit.

Note: The CMM 13-2019 could in 2019 be viewed on the Southern Indian Ocean Fisheries Agreement's website (<https://www.apsoi.org>)

Interfere includes, but is not limited to;

- i. Physical obstruction or removal of the AFMA VMS unit, or
- ii. Deliberately disconnecting or otherwise interfering with the power supply to the AFMA VMS unit, or
- iii. Deliberate physical interference with the casing or any external or internal components of the AFMA VMS unit.

Line methods means bottom line as defined in **CMM 03-2019**.

Lost fishing gear means fishing gear which is either discarded at sea without any attempt of recovery by the vessel, left at sea by a vessel due to force majeure or other unforeseen reasons or gear over which the vessel has accidentally lost control and which cannot be located and/or retrieved.

Louisville Ridge has the same meaning as in **CMM 03a-2019**.

Management area means the areas of waters in Attachment A under the headings of "Bottom trawl Management area", "Mid-water trawl Management area" and "Bottom line Management area".

Plastics means a solid material which contains as an essential ingredient one or more high molecular mass polymers and which is formed (shaped) during either manufacture of the polymer or the fabrication into a finished product by heat and /or pressure. These include, but are not limited to, synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products.

Shot means:

- i. in the case of trawling, from the location at which the fishing gear was first deployed from the boat to the location at which the fishing gear was retrieved by the boat;
- ii. in the case of longlining, from the location at which the first anchor of a set was deployed to the location at which the last anchor of that set was deployed; and

iii. in the case of droplining, the location at which the dropline entered the water

SIOFA area of waters means the area of waters defined in Attachment A to this permit under the heading “SIOFA Area of Waters”.

South Tasman Rise means the area of waters defined in Attachment A to this permit under the heading “South Tasman Rise”.

SPRFMO area of waters means the area of waters defined in Attachment A to this permit under the heading “SPRFMO Area of Waters”.

SPRFMO convention area means the area defined in Article 5 to the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean published in February 2018, as that document exists at the issue date of this permit.

Note: The Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean could in 2019 be viewed on the South Pacific Regional Fisheries Management Organisation's website (<<http://www.sprfmo.int/assets/Basic-Documents/Convention-web-12-Feb-2018.pdf>>)

Transshipping means boat to boat transfer of fish or other products.

SPRFMO mixed species means all species excluding orange roughy (*Hoplostethus atlanticus*) - .

Tasman Sea has the same meaning as in **CMM 03a-2019**.

Trawl methods means bottom (demersal) trawl and mid-water trawl as defined in **CMM 03-2019**.

Westpac Bank has the same meaning as in **CMM 03a-2019**.

MOVEMENT LIMITATIONS

1. The holder must only fish in the area of waters described in Attachment A.
2. In the SPRFMO area of waters, the holder must only fish in the area of waters relevant to the gear type(s) authorised in Attachment B to this concession, such that:
 - (a) Demersal trawling must only occur in a Bottom trawl Management Area, excluding the South Tasman Rise;
 - (b) Mid-water trawling must only occur in a Mid-water trawl Management Area or a bottom trawl Management Area, excluding the South Tasman Rise; and
 - (c) Line methods must only occur in a Management Area.
3. The holder must ensure that after the nominated boat leaves port and at all times before entering the specified zone of the high seas fishery, all fishing gear remains stowed and secured unless prior authorisation has been given by AFMA.

CONCESSION ON BOARD OBLIGATION

4. This concession, or a true copy of it, must be carried on board the boat nominated to this concession at all times whilst on a trip under this concession and must be produced upon demand by an

authorised officer.

APPLICABLE BOAT

5. The holder must not use a boat to fish on the high seas unless:
 - (a) the boat nominated to this concession is legibly marked with the international radio call sign of the boat shown:
 - i. by white characters on a black background;
 - ii. by black characters on a white background; or
 - iii. by black characters on a background of international safety yellow, and
 - (b) the characters of the international radio call sign of the boat are shown in Roman capital letters, or Arabic numerals, without ornamentation and where the boat is:
 - i. less than 20 m long, the characters are at least 50 cm high and consist of strokes at least 6.25 cm wide; or
 - ii. more than 20 m long, the characters are at least 1 m high and consist of strokes at least 12.5 cm wide.
6. The holder must provide good quality high resolution photographs of the boat of appropriate brightness and contrast, no older than 5 years, which consist of:
 - (a) one photograph not smaller than 12 × 7 cm showing the starboard side of the boat displaying its full overall length and complete structural features;
 - (b) one photograph not smaller than 12 × 7 cm showing the port side of the boat displaying its full overall length and complete structural features;
 - (c) one photograph not smaller than 12 × 7 cm showing the stern taken directly from astern.

FOREIGN PORTS OR JURISDICTIONS

7. The holder must seek approval from AFMA prior to unloading any fish in a foreign port. The approval must be sought by contacting AFMA by fax on (02) 6225 5500 or by email to monitoring@afma.gov.au.
8. At least 48 hours prior to entering a foreign port for the purposes of unloading, the holder must provide AFMA with the following information via email to monitoring@afma.gov.au or fax (02) 6225 5500:
 - (a) the name and international distinguishing symbol of the boat;
 - (b) the proposed foreign port or ports of unloading;
 - (c) the estimated time and date the boat will arrive at that foreign port; and quantities of all species on board the boat.
9. The holder must ensure that:
 - (a) all fishing gear remains stowed and secured on the nominated boat when transiting any other country's Exclusive Economic Zone (EEZ);
 - (b) where the boat has entered the EEZ of another country 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;

- (c) 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;
- (d) fishing activity is not conducted within the EEZ of another country during a trip unless approval for fishing within that EEZ has been obtained from that country in respect of the boat; and
- (e) any unloading activity is not undertaken within any foreign port unless an approval for unloading within that foreign port has been obtained from that country in respect of the boat.

GEAR LIMITATION

10. This concession authorises the use of the gear specified in Attachment B only.

11. If Attachment B authorises the use of trawl gear, while fishing in the SPRFMO area of waters, the holder must ensure:

- (a) the boat nominated to this concession deploys bird bafflers on both warps while fishing gear is in the water. The bird baffler must consist of:
 - i. one boom attached to the starboard stern quarter and one boom attached to the port stern quarter. Each boom must extend sideways from the boat;
 - ii. backbone line which must extend from the outermost end of each boom, and be no less than one metre and no more than three metres outside of the trawl block. The end of the backbone line must have a drag weight (buoy or drogue) attached to create sufficient drag to ensure it is taut behind the boat at all times and must achieve a minimum of five metres aerial extent from where the warp enters the water;
 - iii. dropper lines which must be attached to the booms and backbone lines, and spaced no more than 500 mm apart in a manner to prevent fouling. Dropper lines must be constructed of a brightly coloured and durable material and weighted sufficiently to maintain rigidity and contact with the water; and
 - iv. a sufficient number of dropper lines which must be attached along the backbone line rearwards to at least the point where the warp enters the water.
- (b) the boat nominated to this concession does not discharge any biological material while fishing gear is in the water, where practical, to avoid attracting seabirds to the boat;
 - i. where it is necessary to discharge biological waste due to operational safety concerns, waste should be batched, where practicable for two hours or longer.

12. If Attachment B authorises the use of longlines, at all times the holder must ensure:

- (a) the boat nominated to this concession carries on board one or more assembled tori lines, including

a spare tori line, which must be deployed whenever longline fishing gear is being set from the vessel.

- (b) Each tori line must be constructed and used in accordance with the following specifications:
 - i. must be a minimum of 150 metres in length;
 - ii. must be deployed from a position on board the boat and utilise a drogue so that it remains above the water surface for a minimum of 100 metres from the stern of the boat;
 - iii. must have either branched streamers, comprising two strands of a minimum of 3mm diameter coloured plastic tubing or cord, or single streamers attached to it with a maximum interval between the streamers of 5.0 metres; and
 - iv. in addition to part iii. above, all streamers shall be long enough to reach the sea surface in the absence of wind and swell.
 - (c) the boat nominated to this concession must not discharge any biological material during shooting and hauling, where practical, to avoid attracting seabirds to the boat;
 - i. where it is necessary to discharge biological waste due to operational safety concerns, waste should be batched, where practicable for two hours or longer.
 - (d) the boat nominated to this concession carries on board one or more assembled seabird excluder devices (SED - bristle curtain); and
 - i. the SED is used at all times during line hauling.
 - (e) the SED must be constructed in order to achieve the following operational characteristics:
 - i. deterrence of birds flying directly into the area where the line is being hauled; and
 - ii. prevention of birds that are sitting on the surface from swimming into the hauling bay area.
 - (f) in the SIOFA Area of Waters, the nominated boat must either add weights to the hook line or use integrated weight (IW) hooklines. IW longlines of a minimum 50g/m or attachment to non-IW autolines of 5 kg weights at 50 to 60 m intervals are to be used.
13. If a boat operating in the SIOFA Area of Waters catches a total of three seabirds in a single calendar year, the boat shall immediately switch to setting between 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 on the Commission for the Conservation of Antarctic Marine Living Resources website: www.ccamlr.org. The nautical twilight calculator could in 2019 be accessed online here: <https://www.ccamlr.org/en/node/84096>.

14. When fishing in the SIOFA Area of Waters, the holder must ensure that fixed and floating gear is marked as follows:
- (a) the ends of any gear anchored to the seabed must be fitted with flag or radar reflector buoys and light buoys sufficient to indicate their position and extent. Lights should be visible at a distance of at least two nautical miles in good visibility; and
 - (b) marker buoys and similar objects floating on the surface and intended to indicate the location and/or origin of fixed fishing gear, and where possible, the gear itself, shall be clearly marked with the boat's name and International Radio Call Sign.

SPECIES LIMITATIONS

15. The holder must not take the following species:

- (a) Blue Marlin (*Makaira indica*);
- (b) Black Marlin (*Makaira mazara*);
- (c) Black Cod (*Epinephelus daemeli*); or
- (d) Tuna and tuna-like species including fish of the Families *Istiophoridae* (commonly known as marlins) and *Xiphiidae* (commonly known as billfish).

16. When fishing in the SIOFA Area of Waters, the holder is prohibited from retaining the following species:

- (a) Portugese dogfish (*Centroscymnus coelolepis*);
- (b) Birdbeak dogfish (*Deania calcea*);
- (c) Gulper shark (*Centrophorus granulosus*);
- (d) Kitefin shark (*Dalatias licha*);
- (e) Bach's catshark (*Bythaelurus bachi*);
- (f) Dark-mouth chimaera (*Chimaera buccanigella*);
- (g) The Falkor chimaera (*Chimaera didierae*);
- (h) Seafarer's ghostshark (*Chimaera willwatchi*);
- (i) Longnose Velvet Dogfish (*Centroscymnus crepidater*);
- (j) Plunket shark (*Centroscymnus plunketi*);
- (k) Velvet dogfish (*Zameus squamulosus*);
- (l) Whitecheek lanternshark (*Etmopterus alphus*);
- (m) Smallbelly catshark (*Apristurus indicus*);
- (n) Bentnose rabbitfish (*Harriotta raleighana*);
- (o) Narrowhead catshark (*Bythaelurus tenuicephalus*);
- (p) Frilled shark (*Chlamydoselachus anguineus*);

- (q) Bigeyed six-gill shark (*Hexanchus nakamurai*);
- (r) Smooth lanternshark (*Etmopterus pusillus*);
- (s) Southern sleeper shark (*Somniosus antarcticus*);
- (t) Goblin shark (*Mitsukurina owstoni*)

SPRFMO CATCH LIMITATIONS AND CATCH REPORTING OBLIGATIONS

17. When fishing in the SPRFMO Area of Waters, the holder must not take orange roughy (*Hoplostethus atlanticus*) in a SPRFMO Orange Roughy Zone listed below under this concession if notified by AFMA that the catch trigger for that zone has been reached. These zones and catch triggers are in Table 1.

Table 1: SPRFMO Orange Roughy Zone and Orange Roughy Catch Limits.

SPRFMO orange roughy zone	Orange roughy catch trigger (tonnes)
Tasman Sea	62
Louisville Ridge	102
Westpac Bank	9

18. The holder must not fish in Westpac Bank unless prior authorisation has been given by AFMA. The authorisation must be sought by contacting AFMA by fax on (02) 6225 5500 or by email to monitoring@afma.gov.au.

19. When fishing in the SPRFMO Area of Waters, the holder must not take SPRFMO mixed species under this concession if notified by AFMA that the SPRFMO mixed species trigger limit for the method authorised under this concession has been reached. These SPRFMO mixed species trigger limits are in Table 2:

Table 2: SPRFMO mixed species catch limits.

Method	Mixed species trigger limit (tonnes)
Trawl methods	55
Line methods	135

20. When fishing in the SPRFMO Area of Waters using trawl methods, the holder must submit daily reports to AFMA via email at monitoring@afma.gov.au or phone on 1300 723 621 that includes:

- (a) the total weight for all retained species; and
- (b) whether any fishing gear is in the water at the time of reporting.

21. When fishing in the SPRFMO Area of Waters using line methods, when notified by AFMA that 70 per cent of the SPRFMO mixed species trigger limit is reached, the holder must submit daily reports to AFMA via email at monitoring@afma.gov.au or phone on 1300 723 621 that includes:

- (a) the total weight for all retained species; and
- (b) whether any fishing gear is in the water at the time of reporting.

SIOFA CATCH LIMITATIONS

22. The holder must not fish in the SIOFA Area of Waters under this concession if notified by AFMA that the SIOFA catch trigger limit of 1000 tonnes has been reached.

TRANSHIPPING LIMITATIONS

23. The holder must not tranship fish taken with the use of the nominated boat to another boat unless prior authorisation has been given by AFMA. The authorisation must be sought by contacting AFMA by fax on (02) 6225 5500 or by email to licensing@afma.gov.au at least 7 days in advance of the transhipment. The holder must notify AFMA 24 hours prior to the estimated time of the transhipment.
24. The holder must not carry fish taken by another boat on the nominated boat unless prior authorisation has been given by AFMA. The authorisation must be sought by contacting AFMA by fax on (02) 6225 5500 or by email to licensing@afma.gov.au at least 7 days in advance of the transhipment. The holder must notify AFMA 24 hours prior to the estimated time of the transhipment.

PURPOSES LIMITATION

25. The holder must not fish on the high seas if the nominated boat has engaged in fishing in the Australian Fishing Zone on the same trip unless prior written authorisation has been given by AFMA. The authorisation must be sought by contacting AFMA by fax on (02) 6225 5500 or by email to licensing@afma.gov.au.

SIOFA MOVE ON PROVISIONS

26. In the SIOFA Area of Waters:
 - (a) if in any tow, a trawl vessel catches more than 60 kg of live coral and/or more than 300 kg of sponges; or
 - (b) if a line vessel catches/recovers 10 or more VME-indicator species, as listed in Attachment C, in a single line segment, being the shorter of 1000 hooks or 1200 m of line then,
 - the holder must cease bottom fishing activities:
 - i. for trawl vessels, within two nautical miles either side of the trawl track extended by two nautical miles at each end; or
 - ii. for longline vessels, for a radius of one nautical mile from the midpoint of the line segments;
27. In the event that one of the aforementioned triggers is met, the holder must notify AFMA within 24 hours of the trigger being reached either by phone on 1300 723 621 or by email on licensing@afma.gov.au. The notification must include:
 - (a) the boat name, radio call sign, flag state and international distinguishing symbol;
 - (b) start and end position of the shot, map of fishing location, underlying bathymetry or habitat, depth of fishing gear; and
 - (c) VME data: details of VME taxa observed, including but not limited to, relative density, absolute density, or weight for each taxa and/or number of taxa.

SPRFMO MOVE ON PROVISIONS

28. In the SPRFMO Area of Waters, if in any one trawl shot:
 - (a) the catch of any VME indicator taxa meets or exceeds the threshold limits in Table 1 of Attachment C; or
 - (b) three or more different VME indicator taxa are caught at or above the threshold limits in Table 2

of Attachment C;

the holder must:

- i. cease fishing immediately within one nautical mile either side of the trawl track extended by one nautical mile at each end; and
- ii. notify AFMA (1300 723 621 or at monitoring@afma.gov.au) and the SPRFMO Secretariat (secretariat@sprfmo.int <<mailto:secretariat@sprfmo.int>>) within 24 hours in accordance with the Guidelines for the preparation and submission of notifications of encounters with potential VMEs, contained in Annex 7 of CMM 03a-2019; and
- iii. not fish in that area until AFMA notifies otherwise.

In these conditions “**VME indicator taxa**” means any benthic organism listed in Table 1 and 2 of Attachment C to this permit.

OBSERVER OBLIGATIONS

29. The holder must contact AFMA’s Observer section by phone on 0427 496 446 or by email on observers@afma.gov.au:

- (a) at least 72 hours before the nominated boat leaves an Australian port with the intention of entering the high seas; and
- (b) at least four weeks before the nominated boat leaves a foreign port with the intention of entering the high seas.

30. If a decision to depart a foreign port is made with a departure date of less than four weeks, or the intended date of departure changes after AFMA has been notified, the holder must immediately, on becoming aware of such a departure date, notify AFMA’s observer section.

REPORTING OBLIGATIONS

31. At least 48 hours before the nominated boat leaves port with the intention of entering the high seas fishery, the holder must notify AFMA via email to monitoring@afma.gov.au or via fax to (02) 6225 5500 with the following information:

- (a) the boat name and international distinguishing symbol;
- (b) the estimated time and date of departure;
- (c) the port of departure; and
- (d) the area of destination.

32. At least two hours before the time that the nominated boat is intending to moor or anchor in a port or another place, the holder must notify AFMA via email to monitoring@afma.gov.au or by fax to (02) 6225 5500, with the following information:

- (a) the boat name and international distinguishing symbol;

- (b) an accurate estimate of the total live weight on board the boat;
- (c) the port;
- (d) the estimated time of arrival in the port or other place; and
- (e) the date and estimated time that unloading will commence.

33. The holder must not commence unloading until the date and time specified in the notification.

SIOFA ENTRY AND EXIT REPORTING

34. Within 24 hours of the the nominated boat entering or exiting the SIOFA Area of Waters, the holder must notify AFMA and the SIOFA secretariat via email to licensing@afma.gov.au and mcs@siofa.org, with the following information:
- (a) the boat name, radio call sign, flag state and international distinguishing symbol;
 - (b) whether the boat is entering or exiting the SIOFA area of waters;
 - (c) the date, time (UTC) and location of the entry or exit;
 - (d) the activity in SIOFA (fishing (including target species), transiting or transshipping).

SPRFMO VMS REPORTING OBLIGATIONS

35. While in the SPRFMO Convention Area, the holder must ensure that the nominated boat is reporting to the SPRFMO Commission Vessel Monitoring System (VMS).
36. To activate reporting to the SPRFMO Commission VMS, the holder must notify the SPRFMO Secretariat via email to secretariat@sprfmo.int at least 48 hours prior to entering the SPRFMO Convention Area with the following information:
- (a) the boat name and international distinguishing symbol; and
 - (b) the date and time the boat will be entering the SPRFMO Convention Area.
37. To deactivate reporting to the SPRFMO Commission VMS, the holder must notify the SPRFMO Secretariat via email to secretariat@sprfmo.int upon exiting the SPRFMO Convention Area with the following information:
- (a) the boat name and international distinguishing symbol; and
 - (b) the date and time the boat exited the SPRFMO Convention Area.

LOST FISHING GEAR REPORTING OBLIGATIONS

38. The holder must take all reasonable steps to avoid abandoning, losing or otherwise discarding any fishing gear.
39. In the event of abandoned, lost or otherwise discarded fishing gear, the holder must notify AFMA, in writing, within 48 hours after the loss of the gear (including, a description of the type/material and quantity of lost gear, the time, date and position at which it was lost, the measures taken by the vessel to retrieve the lost or abandoned gear, and the circumstances that led to the gear being lost, or abandoned for safety reasons).
40. In the event of retrieving abandoned, lost or otherwise discarded fishing gear not linked to that vessel, the holder must notify AFMA, in writing, within 48 hours after retrieving the gear (including: a description of the type/material and quantity of the retrieved gear; the name, IMO number and call

sign of the vessel that lost or abandoned the gear (if known); the time, date and position at which it was retrieved; photographs of the gear retrieved (if possible)).

SIOFA LABELLING OBLIGATIONS

41. Any fish taken from the SIOFA Area of Waters that is packaged and frozen must be identified by a clearly legible label or stamp. The label or stamp must indicate the species, processing code, production date, and vessel identification number of the catching vessel. Where mixed species are incorporated into the same package, the label or stamp must also include the mixed weight and species composition.

DISPOSAL OF PLASTICS

42. The holder must ensure that plastics are not discharged into the sea. All plastics must be stored on-board the vessel until they can be discharged at adequate port reception facilities.

LANDING/DISPOSAL OBLIGATIONS

43. The holder may only sell or otherwise dispose of fish taken from the high seas to a person if the holder completes Parts A and B of the Commonwealth Catch Disposal Record GAB2C, SESS2A or SESS2B.

OTHER OBLIGATIONS

44. The holder must provide AFMA with a current emergency contact facility at all times when a nominated boat is being used under this concession.
45. 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.
46. AFMA must be notified immediately of any change in contact details, by fax sent to (02) 6225 5500 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.

AGENT OBLIGATIONS

47. 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.
48. 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.
49. The holder may avoid concurrent liability for conduct of servants or agents under this concession 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.
50. 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.

TEMPORARY ORDERS 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.

HANDLING AND TREATMENT OF BYCATCH

52. The concession holder (or a person acting on the holder's behalf) must not mistreat bycatch. In these conditions "**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.

In these conditions "**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*.

In these conditions "**mistreat**" does not include the taking, or failing to take, action where it is reasonably necessary to take, or not take, the action;

- iv. to ensure the safety of the boat and or its crew, or
- v. to comply with the requirements of any AFMA approved bycatch management plan(s) (these may include Seabird Management Plans, Vessel Management Plans etc.).

NAVIGATING IN CLOSED ZONES

53. 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 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) of the *Fisheries Management Act 1991*; whichever is the earlier.

MANDATORY AFMA SUPPLIED VMS

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

Concession holder must not interfere with AFMA VMS Unit

- (c) 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.

NOTES

Must make boat available

Where the boat is not made available in accordance condition 54 (a)(i) or 54 (b) (i), 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 37 of the Regulations.

Remains the property of AFMA

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