

SESSF - Linked - Autolongline – 2020

Conditions applying to this Fishing Permit

In addition to the conditions specified by sub section 32(5) of the *Fisheries Management Act 1991* (the Act), and the condition in section 40C to comply with any electronic monitoring direction, 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.

Specifically, section 32(5)(a) of the Act provides that a Fishing Permit is granted subject to conditions that the holder must comply with any obligations imposed by the *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003* (the Plan) in particular:

Section 45 titled	<i>Purpose of Part 7</i>
Section 46 titled	<i>General obligations</i>
Section 48 titled	<i>Obligations relating to carrying of fish</i>
Section 49 titled	<i>Obligations relating to unloading of fish of a quota species taken under State or Territory permit</i>
Section 50 titled	<i>Obligations relating to unloading of fish of a quota species before fishing under State or Territory permit</i>
Section 51 titled	<i>Obligations relating to areas in which holder can fish</i>
Section 52 titled	<i>Obligations relating to inspection of nominated boat</i>
Section 53 titled	<i>Obligations relating to disposal of fish landed from the fishery.</i>

By section 42B (1) 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 organism is injured by interaction.
Regulation 73:	Requirements if protected organism killed by interaction.

* not applicable to some concessions

Definitions

Where mentioned in these conditions:

‘Landed’ means the act of having brought fish to land or shore.

Concurrent conditions

1. This concession must only be used in conjunction with another concession held by the same holder namely a Southern and Eastern Scalefish and Shark Fishery (SESSF) Scalefish Hook Boat Statutory Fishing Right and Quota Statutory Fishing Right that allows the take of quota species (“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.

Observer/monitoring obligations

2. When directed by AFMA to carry an observer the holder must give the AFMA Observer Section at least 72 hours notice of an intention to depart on a fishing trip by telephone (02 6225 5428 or 0427 496 446) or by email: observers@afma.gov.au.

Agent obligations

3. The holder accepts concurrent liability for all conduct by its servants or agents infringing the Act (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.
4. 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.
5. 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.
6. 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.
7. The holder must ensure the master of the boat fishing under the authority of this concession is nominated as an authorised agent for the holder **before** any fishing operation may take place.
 - (a) The holder must ensure the authorised agent signing the determined *Daily Fishing logbook page was the master of the boat (skipper) at the time the recorded fishing operation took place.
 - (b) The holder may sign the determined *Daily Fishing logbook page if they were the master of the boat (skipper) when the recorded fishing operation took place.
 - (c) If more than one master of the boat is on board the boat during the fishing trip, each master must complete and sign a separate determined *Daily Fishing logbook page for each of the fishing operations for which they had control over.

**These instructions are for all determined Daily Fishing Logs including e-Logs.*

Direction Obligations

8. 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 Act.

Temporary Orders Obligations

9. The holder must comply with any Temporary Order made under sub section 43(2) of the Act 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

10. 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 regulation 85 of the Regulations, to meet the exempting provisions of regulations 86(2), or 86(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 section 38(2) and 38(3) of the Act; whichever is the earlier.

Area Limitation

11. The holder must not fish under this concession outside the area of waters described in the attachment to this document.
12. The holder must not fish during the period 1 September to 31 October each fishing season within sub-area 7 the area of the Commonwealth Scalefish Hook Sector of the Southern and Eastern Scalefish and Shark Fishery specified in Schedule 1, Part 2, Section 2 of the Plan, excluding waters landward of the 183 metre isobath. Sub-area 7 is defined as:
 - i. Latitudes: 36° 10' S to 41° 30' S
 - ii. Longitudes: 136° 30' E to 138°E

Gear Limitations

13. No more than a total of 15,000 hooks may be used on the nominated boat at any time.

Seabird management plan

14. The holder must not use the nominated boat to fish using automatic long line methods unless a seabird management plan for the boat has been approved by AFMA.
15. This concession may be suspended without further notice to the holder if the nominated boat departs on a fishing trip and a seabird management plan for the boat has not been approved by AFMA.
16. To avoid interactions with seabirds, the Seabird Management Plan must contain measures:
 - (a) to require the holder to use physical mitigation devices in a particular manner to

avoid interactions with seabirds; and

- (b) to avoid the discharge of biological material during the setting or hauling of fishing gear, to avoid interactions with seabirds.

17. For each fishing trip the holder must:

- (a) carry a copy of the AFMA approved seabird management plan on the nominated boat;
- (b) strictly comply with the measures and requirements contained in the seabird management plan;
- (c) ensure each member of the crew on board the nominated boat is briefed on the content of the seabird management plan before each fishing trip; and
- (d) ensure each member of the crew on board the nominated boat complies with the measures and requirements of the seabird management plan.

18. At all times while automatic baiting equipment is aboard the boat nominated to this concession, the holder must ensure:

- (a) The boat nominated to this concession carries on board one or more assembled tori line. 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. the streamer pair nearest to the boat is positioned not more than 10 metres (measured horizontally) from the boat;
 - iv. all other streamer pairs are positioned not more than 7 metres apart; and
 - v. in addition to part (a)(i) above, all streamers must be maintained to ensure their lengths are as close to the water surface as possible.
- (b) The boat nominated to this concession carries on board one or more assembled seabird excluder devices (brickle curtain); and
 - i. The seabird excluder device is used at all times during line hauling.
- (c) The seabird excluder device 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.

- (d) When fishing with demersal longlines:
 - i. all baits used are non-frozen; and
 - ii. prior to longlines entering the water a separate tori line is deployed at each point where hooks enter the water.
 - (e) If AFMA approves in writing an alternative tori line, device or system, that written approval is kept on board the nominated boat.
19. The holder must not discard processing waste, including offal, from the nominated boat while setting or hauling using demersal longline fishing methods unless an exemption has been provided by AFMA.
20. The holder must carry an AFMA observer on board the nominated boat until such time as the holder demonstrates to AFMA's satisfaction that the longline weighting regime achieves a minimum longline sink rate of 0.3 metre/second to 15 metre depth for gear. Satisfaction of this requirement must be approved in writing by AFMA.
21. If a seabird mortality occurs during fishing operations on the boat nominated to this concession, for the remainder of the trip the holder must only set longline gear at night (i.e. during the hours of darkness between the times of nautical twilight). If AFMA notifies the holder in writing that the observed mortality rate of seabirds within the 1 September to 30 April season or the 1 May to 31 August season has exceeded 0.01 seabirds per 1,000 hooks on the boat nominated to this concession, the holder must only set longlines at night (i.e. during the hours of darkness between the times of nautical twilight) for the remainder of that season.

Note 1: *The exact times of nautical twilight are 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 Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Secretariat. All times, whether for boat operations or observer reporting, shall be referenced to GMT.*

Note 2: *'Automatic baiting equipment' means any mechanical operation that automatically positions bait on the hooks without the need for each hook/snood to be individually clipped onto the mainline directly by hand during the setting of the gear.*

Handling and treatment of bycatch

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

For the purpose of 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.

For the purpose of 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*.)

Note 1: 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:

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

Other obligations

23. The holder must provide AFMA with a current emergency contact facility at all times when a nominated boat is being used under this concession.
24. 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.
25. AFMA must be notified immediately of any change in contact details, by fax sent to (02) 6225 5440 or by email to licensing@afma.gov.au; and the boat must not depart on a fishing trip unless AFMA has been so notified of the change in contact details.

Mandatory AFMA supplied VMS

Direction to Fit

26. 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.

27. 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

28. 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.

For the purpose of these conditions, **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.

For the purpose of these conditions, **Interfere** includes, but is not limited to;

- (a) Physical obstruction or removal of the AFMA VMS unit, or
- (b) Deliberately disconnecting or otherwise interfering with the power supply to the AFMA VMS unit, or
- (c) 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 26 (a) or 27 (a), AFMA may suspend this concession pursuant to section 38(1)(c) of the Act.

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.

Presumed weight of take for processed fish

29. If a fish of a species specified below is not delivered whole to a fish receiver, the following conversion figure for the species as described below will be applied to determine the whole weight of the fish:

(a) Alfonsino

- i. if the fish is delivered dressed, the conversion factor is 1.95;
- ii. if the fish is delivered filleted, the conversion figure is 2.30;
- iii. if the fish is delivered gilled and gutted, the conversion figure is 1.10;
- iv. if the fish is delivered gutted with the head removed, the conversion figure is 1.40;

(b) Bight redfish

- i. if the fish is delivered filleted, the conversion figure is 2.50;
- ii. if the fish is delivered gutted, the conversion figure is 1.10;
- iii. if the fish is delivered gilled and gutted, the conversion figure is 1.10;
- iv. if the fish is delivered gutted with the head removed, the conversion figure is 1.50;

(c) Blue eye trevalla:

- i. if the fish is delivered dressed, the conversion factor is 1.70;
- ii. if the fish is delivered filleted, the conversion figure is 2.30;
- iii. if the fish is delivered gutted, the conversion figure is 1.10;
- iv. if the fish is delivered gilled and gutted, the conversion figure is 1.10;
- v. if the fish is delivered headed, the conversion figure is 1.10;
- vi. if the fish is delivered gutted with the head removed, the conversion figure is 1.40;

(d) Blue grenadier:

- i. if the fish is delivered dressed, the conversion factor is 1.68;
- ii. if the fish is delivered filleted, the conversion figure is 2.10;
- iii. if the fish is delivered gutted, the conversion figure is 1.10;
- iv. if the fish is delivered gilled and gutted, the conversion figure is 1.10;
- v. if the fish is delivered headed, the conversion figure is 1.10;
- vi. if the fish is delivered gutted with the head removed, the conversion figure is 1.50;
- vii. if the fish is delivered gutted with the tail and head removed, the conversion figure is 1.60;

(e) Blue warehou:

- i. if the fish is delivered filleted, the conversion figure is 2.50;
- ii. if the fish is delivered gutted, the conversion figure is 1.10;
- iii. if the fish is delivered gilled and gutted, the conversion figure is 1.10;
- iv. if the fish is delivered gutted with the head removed, the conversion figure is 1.50;

- (f) Deepwater flathead
 - i. if the fish is delivered filleted, the conversion figure is 2.50;
 - ii. if the fish is delivered gutted, the conversion figure is 1.10;
 - iii. if the fish is delivered gilled and gutted, the conversion figure is 1.10;
 - iv. if the fish is delivered gutted with the head removed, the conversion figure is 1.50;
- (g) Deepwater Shark (eastern and western)
 - i. if the fish is delivered finned, the conversion factor is 1.130;
 - ii. if the fish is delivered trunked, the conversion figure is 1.00;
- (h) Elephantfish
 - i. if the fish is delivered gutted, with head, fins and belly flaps removed, the conversion figure is 1.00;
 - ii. if the fish is delivered trunked with the fins removed, the conversion figure is 1.13;
- (i) Flathead:
 - i. if the fish is delivered filleted, the conversion figure is 2.50;
 - ii. if the fish is delivered gutted, the conversion figure is 1.10;
 - iii. if the fish is delivered gilled and gutted, the conversion figure is 1.10;
 - iv. if the fish is delivered gutted with the head removed, the conversion figure is 1.50;
- (j) Gemfish (eastern and western):
 - i. if the fish is delivered dressed, the conversion factor is 1.55;
 - ii. if the fish is delivered filleted, the conversion figure is 2.00;
 - iii. if the fish is delivered gutted, the conversion figure is 1.10;
 - iv. if the fish is delivered gilled and gutted, the conversion figure is 1.10;
 - v. if the fish is delivered headed, the conversion figure is 1.15;
 - vi. if the fish is delivered gutted with the head removed, the conversion figure is 1.25;
 - vii. if the fish is delivered gutted with the tail and head removed, the conversion figure is 1.60;
- (k) Gummy Shark
 - i. if the fish is delivered filleted, the conversion figure is 1.32;
 - ii. if the fish is delivered trunked with the fins removed, the conversion figure is 1.08;
 - iii. if the fish is delivered trunked, the conversion figure is 1.00;
- (l) Jackass morwong:
 - i. if the fish is delivered dressed, the conversion factor is 1.55;
 - ii. if the fish is delivered filleted, the conversion figure is 2.50;
 - iii. if the fish is delivered gutted, the conversion figure is 1.10;
 - iv. if the fish is delivered gilled and gutted, the conversion figure is 1.10;

- v. if the fish is delivered headed, the conversion figure is 1.15;
 - vi. if the fish is delivered gutted with the head removed, the conversion figure is 1.50;
- (m) John dory:
- i. if the fish is delivered filleted, the conversion figure is 2.60;
 - ii. if the fish is delivered gutted, the conversion figure is 1.10;
 - iii. if the fish is delivered gilled and gutted, the conversion figure is 1.10;
 - iv. if the fish is delivered gutted with the head removed, the conversion figure is 1.50;
- (n) Mirror dory:
- i. if the fish is delivered dressed, the conversion factor is 1.80;
 - ii. if the fish is delivered filleted, the conversion figure is 2.50;
 - iii. if the fish is delivered gutted, the conversion figure is 1.10;
 - iv. if the fish is delivered gilled and gutted, the conversion figure is 1.10;
 - v. if the fish is delivered gutted with the head removed, the conversion figure is 1.50;
- (o) Ocean perch:
- i. if the fish is delivered dressed, the conversion factor is 2.35;
 - ii. if the fish is delivered filleted, the conversion figure is 2.50;
 - iii. if the fish is delivered gutted, the conversion figure is 1.10;
 - iv. if the fish is delivered gilled and gutted, the conversion figure is 1.10;
 - v. if the fish is delivered gutted with the head removed, the conversion figure is 1.50;
- (p) Orange roughy:
- i. if the fish is delivered dressed, the conversion factor is 2.00;
 - ii. if the fish is delivered filleted, the conversion figure is 4.00;
 - iii. if the fish is delivered gutted, the conversion figure is 1.10;
 - iv. if the fish is delivered gilled and gutted, the conversion figure is 1.10;
 - v. if the fish is delivered gutted with the head removed, the conversion figure is 2.00;
- (q) Oreodory
- i. if the fish is delivered dressed, the conversion factor is 2.25;
 - ii. if the fish is delivered filleted, the conversion figure is 2.50;
 - iii. if the fish is delivered gutted, the conversion figure is 1.10;
 - iv. if the fish is delivered gilled and gutted, the conversion figure is 1.10;
 - v. if the fish is delivered gutted with the head removed, the conversion figure is 2.20;
- (r) Pink Ling:
- i. if the fish is delivered dressed, the conversion factor is 1.80;
 - ii. if the fish is delivered filleted, the conversion figure is 2.10;

- iii. if the fish is delivered gutted, the conversion figure is 1.10;
 - iv. if the fish is delivered gilled and gutted, the conversion figure is 1.10;
 - v. if the fish is delivered headed, the conversion figure is 1.10;
 - vi. if the fish is delivered gutted with the head removed, the conversion figure is 1.50;
- (s) Redfish:
- i. if the fish is delivered filleted, the conversion figure is 2.50;
 - ii. if the fish is delivered gutted, the conversion figure is 1.10;
 - iii. if the fish is delivered gilled and gutted, the conversion figure is 1.10;
 - iv. if the fish is delivered gutted with the head removed, the conversion figure is 1.50;
- (t) Ribaldo
- i. if the fish is delivered dressed, the conversion factor is 1.50;
 - ii. if the fish is delivered filleted, the conversion figure is 2.50;
 - iii. if the fish is delivered gutted, the conversion figure is 1.10;
 - iv. if the fish is delivered gilled and gutted, the conversion figure is 1.10;
 - v. if the fish is delivered gutted with the head removed, the conversion figure is 1.50;
 - vi. if the fish is delivered with the tail removed, the conversion figure is 1.50;
- (u) Saw shark
- i. if the fish is delivered trunked with the fins removed, the conversion figure is 1.13;
 - ii. if the fish is delivered trunked, the conversion figure is 1.00;
- (v) School Shark
- i. if the fish is delivered filleted, the conversion figure is 1.30;
 - ii. if the fish is delivered trunked with the fins removed, the conversion figure is 1.08;
 - iii. if the fish is delivered trunked, the conversion figure is 1.00;
- (w) School whiting:
- i. if the fish is delivered filleted, the conversion figure is 2.50;
 - ii. if the fish is delivered gutted, the conversion figure is 1.10;
 - iii. if the fish is delivered gilled and gutted, the conversion figure is 1.10;
 - iv. if the fish is delivered gutted with the head removed, the conversion figure is 1.50;
- (x) Silver trevally:
- i. if the fish is delivered filleted, the conversion figure is 2.50;
 - ii. if the fish is delivered gutted, the conversion figure is 1.10;
 - iii. if the fish is delivered gilled and gutted, the conversion figure is 1.10;
 - iv. if the fish is delivered gutted with the head removed, the conversion figure is 1.50;

- (y) Spotted warehou:
 - i. if the fish is delivered dressed, the conversion factor is 1.70;
 - ii. if the fish is delivered filleted, the conversion figure is 2.50;
 - iii. if the fish is delivered gutted, the conversion figure is 1.10;
 - iv. if the fish is delivered gilled and gutted, the conversion figure is 1.10;
 - v. if the fish is delivered gutted with the head removed, the conversion figure is 1.50;
- (z) Smooth oreodory(cascade)
 - i. if the fish is delivered dressed, the conversion factor is 2.25;
 - ii. if the fish is delivered gutted with the head removed, the conversion figure is 2.20;
- (aa) Smooth oreodory(other)
 - i. if the fish is delivered dressed, the conversion factor is 2.25;
 - ii. if the fish is delivered gutted with the head removed, the conversion figure is 2.20

Note 1: *It may be the case that not all species listed above are required to be covered by quota in the sector to which this concession applies, however where a species is under quota, the above conversion figures will apply.*