

WTBF Boat SFR Conditions 2020 season

AREA OF WATERS

1. This Statutory Fishing Right is granted for the area of waters described as:
 - (a) the areas specified in clauses 1 and 2 of Schedule 1 of the *Western Tuna and Billfish Fishery Management Plan 2005*; and
 - (b) those parts of the high seas that are within the area of competence of the Indian Ocean Tuna Commission (IOTC) (hereinafter referred to as "the Convention Area") and west of 141 degrees E as specified in clause 3 of Schedule 1 of the of the *Western Tuna and Billfish Fishery Management Plan 2005*.
2. The holder must not fish under this Statutory Fishing Right outside the area of waters described in paragraph 1 of these Statutory Fishing Right conditions.

Conditions applying to this Statutory Fishing Right

In addition to the conditions specified by subsection 22(3) of the *Fisheries Management Act 1991* (the Act), and the condition in subsection 42(2) to comply with any logbook determination, the condition to comply with any Direction under section 41A and the condition to comply with section 42A requiring facilitating boarding and cooperating with inspection by foreign officials outside the Australian Fishing Zone (AFZ) under the Fish Stocks Agreement, the following conditions are specified for the purposes of subsection 22(4) paragraph (a) of the Act

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

In addition to the above, the holder must comply with all the obligations prescribed in the *Western Tuna and Billfish Fishery Management Plan 2005* in particular:

Section 15 titled Who may engage in commercial fishing in the fishery; and
Section 38 titled Obligations of holders of SFRs.

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* 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 67:	Prohibited ways of processing fish.
Regulation 68:	Removal of shark liver.
Regulation 70:	No interaction with protected organism.
Regulation 71:	Reporting interaction with protected organism.
Regulation 72:	Requirements if protected organism is injured by interaction.
Regulation 73:	Requirements if protected organism killed by interaction.
Regulation 86:	Navigating in area that is a closed zone.

* not applicable to some concessions

MOVEMENT LIMITATIONS

3. While the holder is fishing in the Convention Area as detailed in 1 (b) of the area of waters, the holder must not intentionally fish within 1 nautical mile of a data buoy or intentionally interact with a data buoy.
4. Interacting with a data buoy includes, but is not limited to, encircling the buoy with fishing gear; tying up to or attaching the boat, or any fishing gear, part or portion of the boat, to a data buoy or its mooring; or cutting a data buoy anchor line.
5. If the holder unintentionally comes into contact with a data buoy while fishing they must remove any entangled fishing gear with as little damage to the data buoy as possible.
6. While the holder is fishing in the Convention Area, the holder must not take on board a data buoy while engaged in fishing for tuna and tuna-like species in the IOTC area of competence, unless specifically authorised or requested to do so by the IOTC Member or owner responsible for that buoy.
7. The holder must report any data buoys observed to be damaged to AFMA. The report must be sent by fax (+612 6225 5440) or email (monitoring@afma.gov.au [<mailto:monitoring@afma.gov.au>](mailto:monitoring@afma.gov.au)) and include:
 - i. The date of observation;
 - ii. The buoy location; and
 - iii. Any discernable identifying information contained on the data buoy.

Note: Data buoys are defined as floating devices, either drifting or anchored, that are deployed by governmental or recognised scientific organisations or entities for the purpose of collecting and measuring environmental data, and not for the purposes of fishing activities.

8. If the holder is using the pelagic longline method and is intending on entering the area of the Western Tuna and Billfish Fishery East of Longitude 129°00' the holder must:
 - (a) before leaving port, hold at least 2000kg of uncaught Southern Bluefin Tuna quota nominated to the same boat which is nominated to this Statutory Fishing Right.

APPLICABLE BOAT

9. 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;
 - (b) The boat nominated to this concession has the call sign shown:
 - i.
 - a) by white characters on a black background; or
 - b) by black characters on a white background; or
 - c) by black characters on a background of international safety yellow;
 - ii. the characters are in Roman capital letters, or Arabic numerals, without ornamentation; and

- iii. where the boat is less than 20 metres long the characters:
 - a) are at least 50 centimetres high; and
 - b) consist of strokes at least 6.25 centimetres wide;
 - iv. where the boat is at least 20 metres long, the characters:
 - a) are at least 1 metre high; and
 - b) consist of strokes at least 12.5 centimetres wide
- (c) Prior to unloading in a foreign port, the holder must seek approval from AFMA to unload any fish in that foreign port. The approval may be sought by contacting AFMA Licensing by fax on (02) 6225 5440 or by email to licensing@afma.gov.au <<mailto:licensing@afma.gov.au>>;
- (d) At least 48 hours prior to entering a foreign port for the purposes of unloading, provide AFMA with the following information via email to VMSreporting@afma.gov.au or fax (02) 6225 5440:
- i. the name and international distinguishing symbol of the boat;
 - ii. the proposed foreign port or ports of unloading;
 - iii. the estimated time and date the boat will arrive at that foreign port; and
 - iv. quantities of all species on board the boat.
- (e) The holder must comply with the following:
- i. ensure all fishing gear remains stowed and secured when transiting any other country's Exclusive Economic Zone;
 - ii. where the boat has entered any foreign fishing jurisdiction 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;
 - iii. 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;
 - iv. not to partake in fishing activity within any foreign fishing jurisdiction during a trip unless approval for fishing within that jurisdiction has been obtained from that country in respect of the boat; and
 - v. not to partake in any unloading activity within any foreign port unless an approval for unloading within that foreign port has been obtained from that country in respect of the boat;

CONCURRENT CONDITIONS

10. This Statutory Fishing Right must only be used in conjunction with another concession held by the same holder namely a Western Tuna and Billfish Fishery Quota Statutory Fishing Right (“that other concession”) such that:
- (a) The conditions of that other concession apply (to the extent those conditions are not inconsistent and are capable of doing so) as conditions of this Statutory Fishing Right.
 - (b) A breach, suspension or cancellation of that other concession is a breach, suspension or cancellation of this Statutory Fishing Right.
 - (c) The conditions of this Statutory Fishing Right 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 Statutory Fishing Right.

- (d) A breach, suspension or cancellation of this Statutory Fishing Right is a breach, suspension or cancellation of that other concession.

TRANSHIPPING LIMITATION

11. The holder must not tranship fish taken with the use of the nominated boat to another boat.
12. The holder must not carry fish taken by another boat on the nominated boat.

GEAR LIMITATION

13. This concession authorises the use of the following gear only:
- (a) Gear specified in subsection 15(1) of the *Western Tuna and Billfish Fishery Management Plan 2005*.
14. At all times the holder must ensure:
- (a) The boat nominated to this Statutory Fishing Right carries on board two or more assembled tori lines. Each tori line must be constructed and used in accordance with the following specifications:
- i. must be a minimum of 100 metres in length;
 - ii. must be deployed from a position on board the boat and utilise a towed line, material or object so that it remains above the water surface for a minimum of 75 metres from the stern of the boat (for vessels less than 35m in length) or 100m from the stern (for vessels 35m or greater in length);
 - iii. must have streamers attached to it with a maximum interval between the streamers of 3.5 metres;
 - iv. all streamers must be maintained to ensure their lengths are as close to the water surface as possible;
- (b) When fishing south of the parallel of latitude 25 degrees South:
- i. non-frozen baits are attached to the hooks; and
 - ii. prior to longlines entering the water, a separate tori line is deployed at each point at which hooks enter the water. All tori lines must comply with condition 14 (a) above.
 - iii. a tori line is not required to be deployed when performing fishing operations between the hours of nautical dusk and nautical dawn, providing the vessel uses minimum deck lighting (where minimum deck lighting is a lighting level which does not pose a risk to safety and navigation); and
 - iv. branchlines are weighted with either a minimum of:
 - a) 60 gram swivels at a distance of no more than 3.5 metres from each hook; or
 - b) 98 gram swivels at a distance of no more than 4 metres from each hook; or
 - c) 40 gram weights immediately adjacent the hook, or at no more than 0.5 metres from each hook, with dead non-frozen baits attached to the hooks; or
 - d) ACAP approved “hook-shielding device” weighing at least 40 grams may be deployed directly at the hook as an alternative.
- (c) The boat nominated to this Statutory Fishing Right carries on board a minimum of one

dehooking device, the purpose of which is to enable hooks embedded in bycatch species to be removed with minimum damage to the fish or protected species. The device must be constructed and used in accordance with the following specifications:

- i. the device must enable the hook to be secured and the barb shielded so that the barb does not re-engage with the fish or protected species while the hook is being removed;
 - ii. the device must be blunt with all edges rounded;
 - iii. where more than one size of hook is to be carried, a dehooking device (or devices) must be carried that can be used with all hooks on the boat; and
 - iv. the shaft of the device must be a minimum of 1.5 metres in length.
- (d) The boat nominated to this concession carries on board a minimum of one line cutting device. The line cutting device must be constructed and used in accordance with the following specifications:
- i. the device must be constructed to allow the line to be cut as close to the hook as possible;
 - ii. the blade of the device must be enclosed in a blunt rounded (arc-shaped) cover with the hook exposed on the inside of the arc;
 - iii. the shaft of the device must be a minimum of 1.5 metres in length.

Note: the purpose of (d) ii) is to protect the user of the knife from injury.

The boat nominated to this Statutory Fishing Right may use an alternative line weighting mechanism not described in part (b)(iv) in conjunction with meeting parts (a) - (c) of this condition, if the device or system has been approved by AFMA in writing. Written approval from AFMA must be kept aboard the boat nominated to this concession.

15. The holder must not connect hooks to longline gear by using wire or wire traces.

TUNA PROCESSING REQUIREMENTS

16. The holder must comply with the following processing requirements:

Tuna other than northern bluefin tuna or billfish

- (a) The caudal keel must not be removed from the carcass before the fish is landed and received by a fish receiver permit holder

Billfish other than broadbill swordfish (Xiphias gladius)

- (b) None of the following may be removed from the carcass before the fish is landed and received by a fish receiver permit holder:
- i. the caudal keel;
 - ii. a dorsal, pectoral or anal fin

CATCH HANDLING

17. The holder must bring all catch that is intended to be released or discarded as close as practical to the fish door and within view of the electronic monitoring cameras before it is released or discarded unless doing so would impact the safety of the boat and or its crew.

SEABIRD INTERACTION OBLIGATIONS

Feather samples and photos

18. In the event of a seabird interaction that results in a mortality and where the bird is brought to the boat, the holder must:
 - (a) collect feathers using the feather sample kits developed by the Department of Environment and Energy.
 - (b) hold the seabird in view of and in close proximity to the closest or most convenient electronic monitoring camera. Show first the head and bill (for 3 seconds), then underside (with one wing outstretched, for 3 seconds), then the back of the bird (with one wing outstretched, for 3 seconds).

This condition **does not** apply to live seabirds which should be released carefully and in a manner that maximises post release survival.

19. Feather samples must be collected in line with the following requirements:
 - (a) the collection and provision of feathers from dead seabirds must be undertaken using the feather kits developed by the Department of Environment and Energy
 - (b) feathers must be pulled out, not cut, with feathers collected from both the belly side and back side of the seabird;
 - (c) samples must be marked with an ID label which includes:
 - i. Date of interaction;
 - ii. Time of interaction;
 - iii. Latitude and Longitude of interaction;
 - iv. Fishing method; and
 - v. ID number
 - (d) the bagged feather samples must be placed inside a second zip lock bag with absorbent material and sealed;
 - (e) the completed samples must be posted to Australian Antarctic Division using the supplied replied paid envelope.
20. The holder must have at least three feather kits on board the nominated boat at all times.

Definitions:

ACAP approved ACAP approved is defined as in line with the mitigation outlined in the *Agreement on the Conservation of Albatrosses and Petrels (ACAP) Review and Best Practice Advice for Reducing the Impact of Pelagic Longline Fisheries on Seabirds 2019*.

BUOYS AND RADIO BEACONS

21. The holder must ensure that the distinguishing symbol of the boat is displayed above the water line of each radio beacon and every tenth buoy attached to the boat's pelagic longline.

SPECIES LIMITATIONS

22. If the holder takes a Northern Pacific Bluefin Tuna or Southern Bluefin Tuna then they must:
 - (a) report to AFMA at email northernbluefin@afma.gov.au (or to fax 02 6225 5440 if email is not possible) at least one hour prior to the boat mooring or anchoring at port the following information:
 - i. NBT/SBT report;

- ii. the name of the boat;
- iii. distinguishing symbol of the boat;
- iv. port of landing;
- v. date and time of landing;
- vi. number and weight of Northern Pacific Bluefin Tuna on board;
- vii. number and weight of Southern Bluefin Tuna on board.

- (b) determine whether the fish is a Northern Bluefin or Southern Bluefin:
 - i. if the Bluefin Tuna was taken north of 28 degrees south or was greater than 220cm fork length, it may be deemed to be a Northern Bluefin Tuna; or
 - ii. if the Bluefin Tuna was taken south of 28 degrees south, between 1 January and 1 May and was greater than 200cm, it may be deemed to be a Northern Bluefin Tuna; or
 - iii. If the Bluefin cannot be deemed a Northern Bluefin in part b(i) or b(ii) the concession holder must:
 - a) Obtain genetic testing showing that the fish in question is a Northern Bluefin (AFMA will then deem the fish a Northern Bluefin); or
 - b) For fish exported to the Tokyo Metropolitan Central Wholesale Market (Toyosu market), document the fish as a Bluefin Tuna on the relevant Catch Disposal Record (CDR) and provide the documentation from the Tokyo Metropolitan Central Wholesale Market (Toyosu market) showing the fish was sold as a Northern Bluefin Tuna (AFMA will then deem the fish as a Northern Bluefin).
- (c) should the landed tuna be deemed a Southern Bluefin Tuna (either by the holder or through identification) the holder must comply with all requirements of the *Southern Bluefin Tuna Management Plan 1995*.

- 23. Once AFMA publishes a notice stating that 35 tonnes of longtail tuna (*Thunnus tonggol*) has been taken in the Western Tuna and Billfish Fishery (WTBF) and/or the Eastern Tuna and Billfish Fishery (ETBF), the holder must not take more than 10 longtail tuna on any subsequent trip until the notice is revoked by AFMA.
- 24. If the holder is fishing under this concession using the purse seine method, the holder must retain and land any Bigeye tuna (*Thunnus obesus*), Skipjack tuna (*Katsuwonus pelamis*) and/or Yellowfin tuna (*Thunnus albacares*) unless the fish is considered unfit for human consumption.
- 25. The holder must not retain or land any specimen smaller than 60 cm Lower Jaw Fork Length (LJFL) of Striped Marlin and Indo Pacific Sailfish, and shall return them immediately to the sea in a manner that maximizes post-release survival potential but without compromising the safety of crew.
- 26. Fishing for bait is subject to the following limitations:
 - (a) QUEENSLAND, WESTERN AUSTRALIA AND NORTHERN TERRITORY
If this Statutory Fishing Right allows access to waters adjacent to the States of Queensland and Western Australia, and the Northern Territory, the holder may fish for bait in those waters.

- (b) SOUTH AUSTRALIA

If this concession allows access to waters adjacent to the State of South Australia the holder while operating in those waters may use a lampara net, lift net and/or small scale purse seine to fish for:

- i. unlimited amounts of *Emmelichthyes*, *Trachurus*, *Sardinops*, *Clupea*, *Engaulis* and *Scomber australasicus* for use as live bait; and up to three tonnes per trip in total comprising *Emmelichthyes*, *Trachurus*, *Sardinops*, *Clupea*, *Engaulis* and *Scomber australasicus* for use as dead bait.

Any bait taken must only be used by the holder for fishing under this Statutory Fishing Right.

BY CATCH LIMITATIONS

27.

(a) WESTERN AUSTRALIA

The holder must not take more than the following amounts of fish per trip while operating in Commonwealth waters off Western Australia:

- i. Two fish in total consisting of either yellowtail kingfish (*Seriola lalandi*); or Amberjack (*Seriola dumerili*);
- ii. Ten fish in total consisting of one or more of Spanish mackerel (*Scomberomorus commerson*), Australian spotted mackerel (*Scomberomorus munroi*), Mackerel tuna (*Euthynnus affinis*), Frigate mackerel (*Auxis thazard*), Shark mackerel (*Grammatorcynus bicarinatus*), Rake Gilled mackerel (*Rastrelliger kanagurta*), Australian bonito (*Sarda australis*), Oriental bonito (*Sarda orientalis*), Leaping bonito (*Cybiosarda elegans*), Rainbow runner (*Elagatis bipinnulata*), Dog Toothed tuna (*Gymnosarda unicolor*), Emperors, Tropical snappers (*family Lutjanidae*), Emperors (*family Lethrinidae*), Cods, Groupers (*family Serranidae*), Wrasses, Tuskfishes (*family Labridae*), Trevallies (*family Carangidae* except for *Genus Seriola*), Snapper (*Pagrus auratus*), Hapuku (*Polyprion oxygeneios*) and Bar cod (*Polyprion moeone*);
- iii. Twenty fish in total consisting of one or more of Butterfly mackerel (*Gasterochisma melampus*), Slender tuna (*Allothunnus fallai*) and Wahoo (*Acanthocybium solandri*).
- iv. Two hundred (200) fish in total consisting of Mahi Mahi (*Coryphaena hippurus*).

(b) NORTHERN TERRITORY

The holder must not take more than the following amounts of fish per trip while operating in Commonwealth waters off the Northern Territory:

- i. Ten (10) fish per trip in total consisting of Mahi Mahi (*Coryphaena hippurus*).

(c) SOUTH AUSTRALIA

The holder must not take more than the following amounts of fish per trip while operating in Commonwealth waters off South Australia:

- i. Twenty kilograms of fish consisting of Bastard Trumpeter (*Latridopsis forsteri*) and Striped Trumpeter (*Latris lineata*);
- ii. Fifty kilograms fish consisting of Blue Groper (*Achoerodus gouldii*) and Snapper (*Pagrus auratus*);
- iii. One hundred kilograms of fish consisting of Mulloway (*Argyrosomus hololepidotus*);
- iv. Ten fish in total consisting of Yellowtail Kingfish (*Seriola lalandi*); and
- v. Two hundred kilograms of fish consisting of Black Reef Leatherjacket

(*Eubalichthys bucephalus*), Chinaman Leatherjacket (*Nelusetta ayraudi*), Parrotfish (or knifejaw) (*Oplegnathus woodwardi*) or Rough Leatherjacket (*Monacanthus chinensis*).

Note: there is a two hundred kilogram total trip limit for all species combined listed in i) - v) above.

(d) ALL WATERS

i. The holder must not take more than the following amounts of fish per trip while operating in Commonwealth waters:

- a) 20 sharks, excluding Silky Shark, Oceanic Whitetip sharks, School shark, Gummy shark, Elephant fish of the Families *Callorhynchidae*, *Chimaeridae* and *Rhinochimaeridae* and Sawshark;
- b) If the boat nominated to this concession is not nominated to a Southern and Eastern Scalefish and Shark Fishery Boat SFR, the holder may take 5 carcasses in total of Gillnet, Hook and Trap Fishery quota species comprising School shark (*Galeorhinus galeus*), Gummy shark (*Mustelus antarcticus*), Elephant fish of the Families *Callorhynchidae*, *Chimaeridae* and *Rhinochimaeridae*, and Sawshark (*Pristiophorus cirratus* and *Pristiophorus nudipinnis*).

ii. The holder must not take any of the following species:

- a) Blue Eye trevalla (*Hyperoglyphe antarctica*), Blue grenadier (*Macruronus novaezelandiae*), Blue warehou (*Seriolella brama*), Flathead (*Platycephalus* sp., *eoplatycephalus* sp.), Gemfish (*Rexea solandri*), Jackass morwong (*Nemadactylus macropterus*), John dory (*Zeus faber*), Ling (*Genypterus blacodes*), Mirror dory (*Zenopsis nebulosus*), Ocean perch (*Helicolenus* sp.), Orange roughy (*Hoplostethus atlanticus*), Redfish (*Centroberyx affinis*), Royal red prawn (*Haliporoides sibogae*), School whiting (*Sillago findersi*), Silver trevally (*Pseudocaranx dentex*), Spotted warehou (*Seriolella punctata*), Blue marlin (*Makaira mazara*), Black marlin (*Makaira indica*) and Black cod (*Epinephelus daemeli*).

28. For single jurisdiction high seas trips, the holder must not take:

- (a) more than 100 pelagic sharks per trip comprised of a maximum of 80 Blue whaler shark (*Prionace glauca*); and
- (b) more than 20 sharks or rays from the following list:
 - i. Crocodile shark (*Pseudocarcharias kamoharai*);
 - ii. Shortfin mako shark (*Isurus oxyrinchus*);
 - iii. Porbeagle shark (*Lamna nasus*);
 - iv. Smooth hammerhead shark (*Sphyrna zygaena*); and
 - v. Pelagic stingray (*Dasyatis violacea*).

The holder must not retain any other shark and/or ray species of subclass *Elasmobranchii*.

29. MOBULID RAYS (family Mobulidae - including mantas and mobula rays)

- (a) The holder must not fish for or target mobulid rays or retain on board any part of the carcass of a mobulid ray.

- (b) The holder must ensure any mobulid ray caught during fishing operations is released alive and unharmed, to the extent practicable, as soon as they are seen in the net, on the hook, or on the deck, and do it in a manner that will result in the least possible harm to the individuals captured.
- (c) in the case of mobulid rays that are unintentionally caught by and frozen as part of a purse seine vessel's operation, the vessel must surrender the whole mobulid ray to AFMA, or discard them (not sold) at the point of landing.
- (d) The holder will ensure the following handling procedures, while taking into consideration the safety of the crew, shall be implemented and followed:
 - i. Mobulid rays must not be gaffed, lifted by the gill slits or spiracles, or have holes punched through the rays body
 - ii. Rays too large to be lifted safely by hand shall be, to the extent possible, brailed out of the net (if using purse seine) using the best available method such as those recommended in document IOTC-2012-WPEB08-INF07.
 - iii. Large rays that cannot be released safely before being landed on deck, shall be returned to the water as soon as possible, preferably utilizing a ramp from the deck connecting to an opening on the side of the boat, or if no such ramp is available, lowered with a sling or net.

HIGH SEAS FISHING TRIPS

- 30. The holder must notify AFMA prior to departure and again prior to landing if a high seas only trip will be made. Notify AFMA by facsimile 02 6225 5440 or email VMSreporting@afma.gov.au and provide:
 - i. boat's name;
 - ii. boat's distinguishing symbol
 - iii. port at which it is intended the boat will depart; and
 - iv. date and time of departure.
- 31. On nominating a high seas fishing trip the holder is not permitted to conduct fishing operations in the AFZ at any time while undertaking the high seas fishing trip.
- 32. On nominating a high seas fishing trip the holder must transit the AFZ via the most direct means or seek prior approval for an alternative route by telephoning the AFMA Duty officer on 0419 205 329.

TAKING/CARRYING OF SHARK OBLIGATIONS

- 33. Retained and/or landed School shark (*Galeorhinus galeus*) and Gummy shark (*Mustelus antarcticus*) must exceed 450 millimetres when measured in a straight line from the middle of the posterior edge of the aftermost gill-slit to the ventral insertion of the caudal fin.
- 34. The holder must not take deepwater dogfishes of the following species - Harrissons Dogfish (*C. harrissoni*), Endeavour Dogfish (*C. moluccensis*), Southern Dogfish (*C. zeehaani*) and Greeneye Spurdog (*Squalus chloroculus*) - unless:
 - (a) for trips under 6 days the combined amount of these species taken does not exceed 15kg whole weight per day; or
 - (b) for trips over 6 days the combined amount of these species taken does not exceed 90kg whole weight per trip.

In this condition;

- one day is a 24 hour period that commences at 00.01 hours UTC + 8.
- the weights in clauses (a) and (b) apply to all deepwater dogfish of the species specified,

including those returned to the water whether alive or dead.

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

35. The holder must not land or retain any Thresher sharks (family *Alopiidae*) taken within the Convention Area as detailed in 1. (b) of the Area of Waters. Any Thresher sharks taken must be returned to the water in a manner that maximizes post-release survival potential without compromising the safety of crew..
36. The holder must report any interaction with Thresher sharks in the relevant logbook.
37. The holder must not take or retain any Oceanic Whitetip sharks (*Carcharhinus longimanus*).
38. The holder must not take or retain any Silky sharks (*Carcharhinus falciformis*).
39. The holder must not carry or possess any shark (Class *Chondrichthyes*) dorsal, pectoral, caudal, pelvic or anal fins on board the boat nominated to this concession that are not attached to the shark's carcass.
40. The holder must not intentionally set a purse seine net around any species of cetacean, mobuild ray, or Whale sharks.
41. If a cetacean or Whale shark is encircled within a purse seine net, the holder must:
 - (a) take all practicable steps to ensure the safe release of the cetacean or Whale shark, while taking into account the safety of the crew;
 - (b) Report the incident to the AFMA at licensing@afma.gov.au <<mailto:licensing@afma.gov.au>> with the following details:
 - i. the species (if known);
 - ii.the number of individuals;
 - iii. a short description of the interaction, including details of how and why the interaction occurred, if possible;
 - iv. the location of the encirclement;
 - v.the steps taken to ensure safe release;
 - vi. an assessment of the life status of the animal on release, including whether the cetacean was released alive but subsequently died.

QUOTA BALANCING OBLIGATIONS

42.
 - (a) The holder must not be in an over quota position for any quota species.
 - (b) If the holder is over quota for any quota species or has not provided to AFMA a written explanation detailing any exceptional circumstances within a 28 day period, AFMA may suspend this concession in accordance with this condition, pursuant to section 38(1)(c) of the *Fisheries Management Act 1991*.
 - (c) The holder is not considered to be over quota if the holder:
 - i. lands an amount of quota species in excess of the available uncaught amount recorded for that species in the holder's name on the Register of Statutory

Fishing Rights kept by AFMA pursuant to section 44 of the *Fisheries Management Act 1991*; and

- ii. acquires a further amount of quota species equal to or greater than the total quantity (by weight) landed in excess of that total amount recorded within 28 days of landing.
- (d) Any dealing in a quota Statutory Fishing Right by the holder of a boat Statutory Fishing Right or Fishing Permit for the purpose of complying with this condition must be lodged with AFMA duly executed and in the form approved by AFMA, on or before the 28th day from which the excess quota species was landed. For the purpose of determining if the holder is over quota under this condition, any acquisition of a quota species may only be deemed to have been acquired up to 28 days prior to the date of registration of that acquisition of that quota species.
- (e) If this concession is suspended, unless the holder has acquired and AFMA has then recorded (but may not deem) an amount of uncaught quota for each quota species in the fishery, this concession may, under this condition, again be suspended upon expiration of the earlier suspension.
- (f) It is the obligation of the holder to record and determine when any quota species amount exceeds the total amount recorded by AFMA.

In these conditions:

Acquire means receiving statutory fishing rights by registering a dealing by which an amount of statutory fishing rights are permanently or seasonally transferred to the holder; and **acquisition** has a comparable meaning.

Quota species has the same meaning as quota species in the applicable management plan for which this concession has been granted and established under the *Fisheries Management Act 1991*.

Landed means the date any quota species was disposed of to an AFMA licensed fish receiver permit holder as recorded on the relevant catch disposal record; and landing has a comparable meaning.

OTHER OBLIGATIONS

43. If a boat is nominated to this concession, at all times when the boat is being used under this concession, the holder must have provided to AFMA a current emergency contact facility for the nominated boat.
44. 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.
45. 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.

Note: The emergency contact facility may take the form of a satellite phone number, or

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

AGENT OBLIGATIONS

46. 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.
47. 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.
48. 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.
49. 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.
50. 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.
51. 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.
52. 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.
53. 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.*

TEMPORARY ORDER OBLIGATIONS

54. 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.

DIRECTION OBLIGATIONS

55. The holder must comply with any lawful Direction (including a lawful Direction given to the holder by an AFMA staff member, consultant or other person engaged under contract to assist AFMA) under section 40A, 40B or 41A of the *Fisheries Management Act 1991* relating to the use of e-monitoring equipment and the partial or total closure of a fishery or part of a fishery.

NAVIGATING IN CLOSED ZONES

56. AFMA may suspend this concession in accordance with this condition, pursuant to section 38(1)(c) of the *Fisheries Management Act 1991*, if it reasonably appears by VMS transmission from the nominated boat, that there is a failure by that boat while in a closed zone for the purposes of regulation 85 of the *Fisheries Management Regulations 2019*, to meet the exempting provisions of sub regulations 86 (2), or (3). Such suspension will then continue until the concession holder provides a full written explanation, to the satisfaction of the delegate responsible for issuing that suspension, of the lawful reason for the boat being in that closed zone at that time, or until the expiration of the suspension under sub section 38(2) of the *Fisheries Management Act 1991*; whichever is the earlier.

MANDATORY AFMA SUPPLIED VMS

57. 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.

Concession holder must not interfere with AFMA VMS Unit

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

Definitions:

AFMA VMS Unit Means a Vessel Monitoring System (VMS) unit wholly owned by AFMA, marked with AFMA identifications and supplied by AFMA and fitted by an AFMA approved technician.

Interfere For the purposes of these conditions 'interfere' includes, but is not limited to;

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

Notes

Must Make boat available - Where the boat is not made available in accordance condition 57 (a)(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 Fisheries Management Regulations 2019.

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

HANDLING AND TREATMENT OF BYCATCH

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

Definitions:

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

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

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

Notes

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

- 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.).