

76210/1: SOUTHERN SQUID JIG FISHERY GENERAL CONDITIONS - 2017

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AREA OF WATERS

1. This concession is granted for the area of waters described as:

The area specified in Schedule 1 of the *Southern Squid Jig Fishery Management Plan 2005*.

Conditions applying to this Statutory Fishing Right

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

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

In addition to the above, the holder must comply with all the obligations prescribed in the *Southern Squid Jig Fishery Management Plan 2005* in particular:

Section 30 titled *General Obligations*

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 1992* providing conditions that apply to this fishing concession in particular:

Regulation 9D:	Concession holder to ensure that vessel monitoring system is operational.
Regulation 9F:	Concession holder to ensure provision for observer and equipment to be carried.
Regulation 9G:	Concession holder to ensure observer enabled to perform functions.
Regulation 9I:	Fish to be disposed of to fish receiver permit holder*
Regulation 9J - 9ZL:	Catch limits.*
Regulation 9ZO:	Prohibited ways of processing fish.
Regulation 9ZP:	Removal of shark liver.
Regulation 9ZS:	No interaction with protected organism.
Regulation 9ZT:	Recording and reporting interaction with protected organism.
Regulation 9ZU:	Reporting interaction with protected organism if protected organism injured.
Regulation 9ZV:	Reporting interaction with protected organism if protected organism killed.
Regulation 9ZX:	Nominated boat used for trip.

* not applicable to some concessions

MOVEMENT LIMITATIONS

2. The holder must not fish under this concession outside the area of waters described in *Southern Squid Jig Fishery Management Plan 2005*.

GEAR LIMITATION

3. This concession authorises the use of the following gear only:
 - (a) Squid jigging machine as defined in Section 3 of the *Southern Squid Jig Fishery Management Plan 2005*.
4. The holder must only use the quantity of fishing gear specified in Sections 12 and 14 of the *Southern Squid Jig Fishery Management Plan 2005*.

TRANSHIPPING LIMITATION

5. The holder must not transship fish taken from the nominated boat to another boat, unless the holder has received a written exemption from AFMA to do so.

CARRYING LIMITATION

6. The holder must not carry or hold fish taken by another boat on the nominated boat, unless the holder has received a written exemption from AFMA to do so.

QUOTA OBLIGATIONS

7. The holder must comply with the Total Allowable Effort (TAE) set for the fishery in accordance with the provisions specified in Section 13 of the *Southern Squid Jig Fishery Management Plan 2005*.

FINFISH OBLIGATIONS

8. The holder must not carry on board more than 100kg of fish of the Superclass Pisces.
9. The holder must not take any fish of the species below:
 - (a) Blue eye trevalla (*Hyperoglyphe antarctica*)
 - (b) Pink ling (*Genypterus blacodes*)
 - (c) Blue warehou (*Seriolella brama*)
 - (d) Gemfish (*Rexea solandri*)
10. The holder must not take any fish of the Families below:
 - (a) Fish of the Family *Scombridae*, except fish of the genera *Scomberomorus*, *Scomber*, *Acanthocybium*, *Rastrelliger* and *Grammatorcynus*: (commonly known as tuna); and
 - (b) Fish of the Families *Istiophoridae* (commonly known as marlins) and *Xiphiidae* (commonly known as billfish).

OTHER OBLIGATIONS

8. 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.
9. 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.
10. 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

11. 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.

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.

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.

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

12. 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

13. 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 *Fisheries Management Act 1991*.

NAVIGATING IN CLOSED ZONES

14. 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 37B of the *Fisheries Management Regulations 1992*, to meet the exempting provisions of sub regulations 37C(2), or (3) or sub regulation 37D(2) or (3). Such suspension will then continue until the concession holder provides a full written explanation, to the satisfaction of the delegate responsible for issuing that suspension, of the lawful reason for the boat being in that closed zone at that time, or until the expiration of the suspension under sub section 38(2); whichever is the earlier.

MANDATORY AFMA SUPPLIED VMS.

15. Direction to Fit

1. 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.
2. 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

3. 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.

Must Make boat available

Where the boat is not made available in accordance condition 15 1 (a) or 15 2(a), 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 9D of the Fisheries Management Regulations 1992.

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

16. 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;

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