

Attachment A

General conditions for the Heard Island and McDonald Islands (HIMI) Fishery - 2017/18

Conditions applying to this Statutory Fishing Right

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

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

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

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

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

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

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

By way of subsection 42B(2) of the Act, the *Fisheries Management Regulations 1992* (FM Regulations) may prescribe conditions that apply to fishing concessions. The following conditions apply to this fishing concession:

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 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; and
Regulation 9ZX: Nominated boat used for trip.

* not applicable to some concessions

Any terms used in these conditions that are defined in the Act, the Plan, the *Fisheries Management (Heard Island and McDonald Islands) Regulations 2002* or the *Fisheries Management Regulations 1992* (FM Regulations) are to be read consistently.

Area of the Fishery

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

Area Limitations

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

Gear Limitations

3. The concession holder is permitted to use longline fishing methods to target Patagonian Toothfish during the period 1 May to 14 September. Further longline fishing to target Patagonian Toothfish is permitted during the longline season extension periods 1 April to 30 April and 15 September to 30 November provided the holder has written agreement from AFMA. The extensions to the longline fishing season, are subject to a total catch limit of three (3) seabirds per boat as outlined in paragraph 13 below.

4. The concession holder must tow paired streamer lines when deploying longlines. Each of the two streamer lines must be set up in accordance with specifications of streamer lines and method of deployment given in Annex 25-02A of CCAMLR Conservation Measure 25-02 (2015).
5. The concession holder must use internally weighted longlines with an integrated weight of at least 50g/m.
6. A bird exclusion device (BED) designed to discourage birds from accessing baits during the hauling of longlines must be deployed to the extent allowed by prevailing weather conditions. Guidelines for a BED are given in Annex 25-02/B of CCAMLR Conservation Measure 25-02 (2015).
7. The concession holder may use trawl methods to target Patagonian Toothfish and Mackerel Icefish from 1 December to 30 November but must not fish for Mackerel Icefish using mid-water trawl gear during the period 1 February to 31 March in any year.
8. The concession holder must not use any means or device which would obstruct or diminish the size of the meshes of trawl gear.
9. The concession holder shall ensure trawl nets are cleaned prior to shooting to remove items that might attract birds.
10. If three (3) or more seabirds are caught and killed by mid-water trawl gear used under this concession in a fishing season, the concession holder:
 - a. must immediately cease fishing using mid-water trawl gear during daylight hours (i.e. during the period after nautical dawn and before nautical dusk); and
 - b. may only fish using mid-water trawl gear at night (i.e. during the period after nautical dusk and before nautical dawn) for the remainder of that season.

Note: Nautical dusk and nautical dawn are defined as set out in the Nautical Almanacs for the relevant latitude, local time and date. A copy of the algorithm for calculating these times is available from the CCAMLR Secretariat. All times, whether for boat operations or observer reporting, shall be referenced to Coordinated Universal Time (UTC).

11. The concession holder is permitted to use pot fishing method to target Patagonian Toothfish from 1 December to 30 November.
12. During the period 1 December to 30 November the concession holder is permitted to retrieve any fishing gear that has previously been reported to AFMA as lost under paragraph 28 1(b) of the Plan or that has been lost by Illegal, Unreported or Unregulated fishing operators.

Interactions with Seabird Obligations

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

been fully received. The concession holder must re-send the report if AFMA has not replied in writing within 72 hours.

Interactions with Marine Mammals Obligations

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

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

Interactions with other bycatch Obligations

18. All skates and rays must be brought on board or alongside the vessel to be checked for tags and for their condition to be assessed. Recaptures tagged skates and rays should not be re-released. Unless otherwise specified by scientific observers, all other skates and rays caught alive with a high probability of survival should be released alive, by the boat, by cutting snoods, and when practical removing the hooks.

Movement Obligations

19. If the concession holder takes in any one haul more than 100 kg of *Champscephalus gunnari*, and more than 10% of *Champscephalus gunnari* by number are smaller than 240mm total length, the boat nominated to the concession shall move to another fishing location at least 5 nautical miles distant. The boat shall not return to any point within 5

nautical miles of the location where the catch of small *Champscephalus gunnari* exceeded 10% for a period of at least five days. The location where the catch of small *Champscephalus gunnari* exceeded 10% is defined as the path followed by the boat from the point at which the fishing gear was first deployed from the boat to the point at which the fishing gear was retrieved by the boat.

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

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

the concession holder must ensure that boat does not, for five days at any point within 5 nautical miles of the location of the haul, use that same fishing method to fish.

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

Handling and treatment of bycatch

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

Definitions: For the purpose of clauses 21 and 22 above:

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

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

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

Environment Protection and Biodiversity Conservation Act 1999.)

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

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

Transshipping Obligations

23. The concession holder must notify AFMA via email AntarcticReporting@afma.gov.au and the CCAMLR Secretariat via email cds@ccamlr.org of any transshipments within the CCAMLR Convention Area by providing the following details for all boats involved in the transshipment:
 - a. name and boat registration number
 - b. International Radio Call Sign
 - c. Flag State
 - d. type of boats involved in the transshipment, including:
 - i. length
 - ii. gross registered tonnage (GRT)
 - iii. carrying capacity
 - e. proposed time and position, in latitude and longitude, of transshipment.
24. Any transshipment notification must include details of the type and amount of catches and/or other goods, such as food, store and fuel, involved in the transshipment.
25. Any transshipment notifications must be sent at least 72 hours in advance of the boat transshipping for harvested Antarctic marine living resources, bait or fuel and at least 2 hours in advance for all other goods or materials.
26. The concession holder may, upon written approval from AFMA:
 - a. carry fish taken with the use of another boat on the nominated boat; or
 - b. transship fish caught by the nominated boat to another boat by transferring at sea (or outside of a port) provided the AFMA observer agrees with the quantity transhipped as specified on the *Dissostichus* catch document, and notifies AFMA of their concurrence in writing.

Observer Obligations

27. The boat nominated to this concession must have at least two scientific observers, one of whom shall be an observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board whilst conducting any fishing activities within the fishing seasons or seasons or season extensions.
28. One scientific observer may be a data collection officer as specified in paragraph 29 below.

29. If the concession holder appoints a data collection officer as a scientific observer on board the nominated boat:
 - a. the data collection officer must be:
 - i. approved by AFMA; and
 - ii. employed by an agency on the Register of Accredited Agencies kept by AFMA; and
 - b. the concession holder must pay the agency with whom the data collection officer is employed a fixed daily rate that:
 - i. is not subject to the amount of fish caught; and
 - ii. does not include the payment of a bonus; and
 - iii. is not paid directly to the data collection officer.
30. The concession holder must:
 - a. not direct the duties of the data collection officer;
 - b. ensure that the data collection officer has no other duties on the nominated boat relating to crewing the boat; and
 - c. ensure that the data collection officer works in cooperation with the other observer(s) on the boat.
31. The concession holder must give scientific observers the status of ship's officers. Accommodation and meals for scientific observers on board must be of a standard commensurate with this status. This is what AFMA considers to be adequate food and accommodation for the purpose of subregulation 9F(2) of the FM Regulations.
32. To obtain observer(s) appointed in accordance with the CCAMLR Scheme of Scientific Observation for the nominated boat, the concession holder must provide AFMA with at least 21 days notice before the date of departure.
33. The concession holder must ensure that scientific observers are given assistance by the concession holder, the master of the boat and the crew members of the boat, and has access to all areas of the boat, so as to enable the observers to carry out their data collection duties to the extent reasonably necessary, as specified in the CCAMLR Scientific Observers Manual and Annex I of the Text of the Scheme of International Scientific Observation, as amended from time to time, without impediment or influence.
34. The concession holder must help each scientific observer on board the nominated boat:
 - a. record the number, type and circumstance of each interaction of the nominated boat with seabirds or mammals;
 - b. record details of other boats sighted, and information about the activities of those boats in the AFZ (including vessel type identification, vessel position, activity);
 - c. assist with meeting the tagging requirements for the fishery; and
 - d. cooperate and assist observer with performing data collection requirements if requested by the observer (*eg Conversion Factor tests, lifting*).

35. The concession holder must not interfere with or prevent the scientific observer from communicating with his/her employer, including by preventing the scientific observer from having access to the boat's communication equipment.
36. Where an scientific observer onboard the boat is injured or falls ill the concession holder must:
 - a. take all reasonable action to ensure they are provided with adequate medical care including, at the master's discretion, the immediate return of the boat or the evacuation of the observer to a location able to provide appropriate medical care;
 - b. immediately contact the AFMA Duty Officer (24hrs) by phone on +612 6275 5818 to report injury or illness; and
 - c. within 12 hours of an observer reporting to the Master of taking ill or suffering an injury which prevents them from completing their duties, inform AFMA via email AntarcticReporting@afma.gov.au of the following:
 - i. current condition of the observer;
 - ii. likely illness or, in case of an injury, a detailed description of the cause of the injury;
 - iii. treatment of the observer and if any further medical assistance is required or to be obtained;
 - iv. extent of incapacity of the observer;
 - v. expected duration of the illness/incapacity, if known;
 - vi. current activity of the boat (eg steaming to port, fishing, searching); and
 - vii. expected date of return to port.
37. If the illness or injury is likely to last less than 5 days such as viruses, flu, sprained ankle or where the boat is likely to cease fishing within 5 days and return to port:
 - a. the boat may function with one observer;
 - b. AFMA and the remaining observer will agree on a reduced program for observation for the duration of the illness. This will be done at the time and will depend on the expected activity of the boat and the level of contribution the incapacitated observer can continue to make (eg. bird counts from the wheelhouse);
 - c. the reduced program will still include elements of both fisheries and ecological data collection; and
 - d. the holder and/or the master will report to AFMA at least every second day on the health of the ill observer and the effectiveness and practicality of the arrangements implemented.
38. If the illness or injury is likely to cause the observer to be unfit for duty for a period in excess of 5 days:
 - a. the holder must provide a crew member, suitable to the unaffected observer, to act as an assistant to the unaffected observer in their work;
 - b. AFMA and the unaffected observer will agree on a reduced program for observation and suitable duties for the deputised crew member. This will be done at the time and will depend on the expected activity of the boat, the expertise of the deputised crew member and the level of contribution the incapacitated

- c. observer can continue to make (eg bird counts from the wheelhouse);
 - c. the reduced program will still include elements of both fisheries and ecological data collection; and
 - d. the holder and/or the master will report to AFMA at least every second day on the health of the incapacitated observer and the effectiveness and practicality of the arrangements implemented.
39. Should both observers fall ill or suffer an injury that simultaneously prevents both of them from carrying out their duties, the holder must advise AFMA within 12 hours of the second observer, or both observers, reporting to the master of taking ill or suffering an injury:
- a. current condition of the observers;
 - b. likely illness/es or, in case of an injury/s, a detailed description of the cause of the injury/s;
 - c. treatment of the observers and if any further medical assistance is required or to be obtained;
 - d. extent of incapacity of the observers;
 - e. expected duration of the illness/incapacity, if known;
 - f. current activity of the boat (eg steaming to port, fishing, searching); and
 - g. expected date of return to port.
40. Subject to the particular circumstances prevailing at the time, AFMA will advise the holder of an appropriate course of action, which may include a cessation of fishing activity, until at least one observer is fit enough to undertake their duties.

Note: For the purposes of these contingency arrangements an advice to AFMA is considered to be contacting the AFMA Observer Manager during office hours (8am-5pm, Monday to Friday) on telephone number +61 2 6225 5555 or 24 hours on +61 427 496 446 or e-mail at AntarcticReporting@afma.gov.au. E-mail messages will not be taken to be received unless they are confirmed, in writing by AFMA within 72 hours. If unable to contact the AFMA Observer Manager advice may be made to the AFMA Duty Officer 24 hours on phone number +61 2 6275 5818.

41. In the event an observer dies, is missing or presumed fallen overboard, the concession holder must:
- a. immediately suspend all fishing operations;
 - b. immediately commence search and rescue if the observer is missing or presumed fallen overboard, and search for at least 72 hours, or until the search is called off by the Maritime Rescue Coordination Centre (MRCC), unless the observer is found sooner, or unless instructed by the Receiving Member to continue searching;
 - c. immediately notify the AFMA Observer Manager during office hours (8am-5pm, Monday to Friday) on telephone number +612 6225 5555 or 24 hours on 0427 496 446, and e-mail AntarcticReporting@afma.gov.au. If unable to contact the AFMA Observer Manager advice may be made to the AFMA Duty Officer 24 hours on phone number +612 6275 5818.

- d. immediately notify the appropriate MRCC and alert other boats in the vicinity by using all available means of communication;
 - e. cooperate fully in any search and rescue operation;
 - f. provide a report to the appropriate authorities on the incident; and
 - g. cooperate fully in any and all official investigations and with all directions, including by returning to port if appropriate, and preserves any potential evidence and the personal effects and quarters of the deceased or missing observer.
42. In the event an observer dies, the concession holder must ensure that the body is well-preserved for the purposes of an autopsy and investigation.
43. In the event that an observer suffers from a potentially serious illness or serious injury that may threaten his or her life or safety, the concession holder must seek medical advice through the relevant MRCC. If the MRCC has been advised by the pertinent medical professional that the observer suffers from a serious illness or injury that threatens his or her life or safety, the concession holder must:
- a. immediately suspend fishing operations;
 - b. immediately notify the Receiving Member and the MRCC;
 - c. take all reasonable actions to care for the observer and provide any medical treatment available and possible on board the boat;
 - d. if recommended by the MRCC or requested by AFMA, facilitate the disembarkation and transport of the observer to a medical facility equipped to provide the required care, as soon as practicable; and
 - e. cooperate fully in any and all official investigations into the cause of the illness or injury.

Reporting Obligations

44. At least 24 hours prior to a nominated boat leaving port to commence fishing, the concession holder must notify AFMA, via e-mail to AntarcticReporting@afma.gov.au. The notification must include the name of the port of departure and an estimated time and date of departure.
45. The concession holder must notify both AFMA (via email to AntarcticReporting@afma.gov.au) and the CCAMLR secretariat (via email to data@ccamlr.org):
- a. Before the boat enters, exits or moves between Statistical Subareas and Statistical Divisions of the CCAMLR Convention Area using the format outlined in Annex 10-04/A of CM 10-04 (2015); and
 - b. Before entering a closed area or an area for which it is not licensed to fish.
46. Whilst fishing, the concession holder must transmit the form CCAMLR Data Form CEfv2017 (10 day catch and effort report) before the third day after the end of each 10 day period (days 1-10, 11-20, 21-end of the month respectively) to the Data Manager via email AntarcticReporting@afma.gov.au and AAD via email AntarcticObserver@aad.gov.au.

47. For trawl operations, the concession holder must:
- a. ensure the CCAMLR Data Form CEfv2017, CCAMLR Data Form C1v2015b (electronic Fine-Scale Catch and Effort Data for Trawl Fisheries) and ANT04-VG (electronic logbook Antarctic Waters and Gear Details Log) (trawl) are accurately completed in accordance with the instructions contained in the electronic logbooks;
 - b. ensure that within 7 days after the end of the month in which fishing took place, CCAMLR Data Form C1v2015b is supplied to the AFMA Data Manager via e-mail AntarcticReporting@afma.gov.au and to AAD via email AntarcticObserver@aad.gov.au;
 - c. ensure that within 7 days of the boats return to port, CCAMLR Data Form C1v2015b and ANT04-VG (Trawl) are supplied to the AFMA Data Manager via e-mail AntarcticReporting@afma.gov.au and to AAD via email AntarcticObserver@aad.gov.au.
48. For longline operations, the concession holder must:
- a. ensure the CCAMLR Data Form CEfv2017, CCAMLR Data Form C2v2014b (electronic Fine-Scale Catch and Effort Data for Longline Fisheries) and ANT04-VG (longline) are accurately completed in accordance with the instructions contained in the electronic logbooks;
 - b. ensure that within 7 days after the end of the month in which fishing took place, CCAMLR Data Form C2v2014b is supplied to the AFMA Data Manager via e-mail AntarcticReporting@afma.gov.au and to AAD via email AntarcticObserver@aad.gov.au;
 - c. ensure that within 7 days of the boats return to port, CCAMLR Data Form C2v2014b and ANT04-VG (longline) are supplied to the AFMA Data Manager via e-mail AntarcticReporting@afma.gov.au and to AAD via email AntarcticObserver@aad.gov.au.
49. For pot operations, the concession holder must:
- a. ensure the CCAMLR Data Form CEfv2017, CCAMLR Data Form C5v2014b (electronic Fine-Scale Catch and Effort Data for Pot Fisheries, including Pot Design) are accurately and fully completed in accordance with the instructions contained in the electronic logbooks;
 - b. ensure that within 7 days after the end of the month in which fishing took place, CCAMLR Data Form C5v2014b is supplied to the AFMA Data Manager via e-mail AntarcticReporting@afma.gov.au and to AAD via email AntarcticObserver@aad.gov.au; and
 - c. ensure that within 7 days of the boats return to port, CCAMLR Data Form C5v2014b are supplied to the AFMA Data Manager via e-mail AntarcticReporting@afma.gov.au and to AAD via email AntarcticObserver@aad.gov.au.

50. If it is not possible to transmit via electronic logbook any one or more reports referred to within the time frames, then the concession holder must contact the AFMA Data Manager at email AntarcticReporting@afma.gov.au to identify alternative means to provide the information to AFMA.
51. If it is not possible to transmit any one or more of the reports or an acknowledgment of any of those reports is not received within 9 days of the end of a reporting period, then the concession holder must:
- a. immediately stow all fishing gear and take the boat directly to a port;
 - b. as soon as possible, report to AFMA that the boat is being, or has been, taken to the abovementioned port with gear stowed, due to an inability to transmit the reports; and
 - c. as soon as possible (whether before or after arriving at port), transmit any outstanding reports to AFMA.

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

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

Reporting of Boat Sightings

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

Other Obligations

55. The concession holder must ensure that no offal or bycatch is discharged from the boat in the fishery with the exception of paragraphs 18 and 22 of these conditions or within the exclusive economic zone (EEZ) of another country.
56. Before any offal is discharged from the nominated boat the concession holder must remove all fish hooks from the offal prior to discharge.
57. The concession holder must ensure that any packaging bands, once removed from packages, shall be cut into approximately 30cm sections so that they do not form a continuous loop and at the earliest opportunity are incinerated.
58. The concession holder must ensure that an extract from the Register, or a true copy of it, is carried by the fishing boat and is available for inspection at any time by a maritime officer or a designated CCAMLR inspector.
59. For the boat nominated to this concession, at all times when the boat is being used under this concession, the concession holder must have provided to AFMA via email AntarcticReporting@afma.gov.au a current emergency contact facility for the nominated boat.
60. The emergency contact facility provided by the concession holder must enable AFMA to contact the boat immediately and directly at any time when the boat is at sea, including in the event of an emergency.
61. The concession holder must immediately notify AFMA of any change in contact details, by email to AntarcticReporting@afma.gov.au; and the boat must not depart on a fishing trip unless AFMA has been so notified of the change in contact details.

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.

Catch Documentation Scheme

62. The concession holder must:
 - a. ensure that each landing or transshipment of *Dissostichus* species is accompanied by an accurately completed DCD as outlined in Annex 10-05/A, Attachment 1 of CCAMLR Conservation Measure 10-05 (2017); and
 - b. send a copy of the completed DCD by electronic means to AFMA via email AntarcticReporting@afma.gov.au.

In this clause:

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

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

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

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

Vessel Monitoring System Obligations

64. The concession holder must have installed on the nominated boat an operational Automatic Location Communicator (ALC) at all times. The ALC must meet the minimum standards contained in Annex 10-04/C to CCAMLR Conservation Measure 10-04 (2015).

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

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

70. The concession holder must ensure that the nominated boat does not move from the place stipulated under the TSO without prior written approval from AFMA

Direction to Fit

71. When directed by AFMA in writing, the concession holder (or a person acting on the holder's behalf) must:
- a. make available, within 14 days of the date of the written direction, the boat nominated to this concession for the purposes of installation of an AFMA ALC unit by an AFMA marine technician; and
 - b. provide all reasonable assistance to the AFMA marine technician including (but not limited to);
 - i. the provision of an un-interrupted connection to the boat's main power source, and
 - ii. an appropriate position for the mounting of the AFMA ALC unit.
72. When directed by AFMA in writing, the concession holder (or a person acting on the holder's behalf) must:
- a. make available, within 14 days of the date of the direction, the boat nominated to this concession for the purposes of removal of the AFMA ALC unit by an AFMA approved technician; and
 - b. Provide all reasonable assistance to the AFMA marine technician.

Concession holder must not interfere with the AFMA VMS Unit

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

Definitions:

AFMA ALC Unit: Means an Automatic Location Communicator unit wholly owned by AFMA, marked with AFMA identifications and supplied by AFMA and fitted by an AFMA approved technician.

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

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

Notes:

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|-------------------------------|---|
| 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 paragraph 38(1)(c) of the Act. |
| Must maintain ALC Unit: | Regardless of AFMA's decision to fit an AFMA ALC unit, the holder must continue to maintain an ALC in accordance with regulation 9D of the FM Regulations. |
| Remains the property of AFMA: | At all times the AFMA ALC unit remains the sole property of the Commonwealth of Australia, as represented by AFMA. The holder is liable to the Commonwealth of Australia for the payment of any costs incurred as a result of loss or damage to the unit. |

Agent Obligations

74. The concession holder accepts concurrent liability for all conduct infringing the Act, any delegated legislation made under the Act or any condition on their concession by its servants or agents who may be engaged by the concession holder to conduct on the holder's behalf activity under this concession.
75. Liability for the conduct of the concession holder's servants or agents arises, even if the conduct may be, or actually is, beyond the scope of the servant or agent's actual or apparent authority where it is a breach that occurs during the conduct of activity authorised by this concession.
76. The concession holder may avoid concurrent liability for conduct whilst conducting activity under this concession if, but only if, the holder can establish that the infringing conduct could not possibly have been prevented by any action or precaution that the holder might have reasonably taken. The giving of an indemnity by the servant or agent to the concession holder for any penalties incurred by the holder, for infringing conduct by the servant or agent is not, of itself, a reasonable precaution to prevent infringing conduct.
77. The concession holder must not give any indemnity to their servant or agent as to their conduct of activity authorized by this concession.

Temporary Orders Obligations

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

Direction Obligations

79. The concession holder must comply with any Direction that fishing is not to be engaged in in the fishery, or a particular part of the fishery or during a particular period or periods made under sub section 41A of the *Fisheries Management Act 1991*.

Navigating in Closed Zones

80. 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 37B of the FM Regulations, 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.

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

CCAMLR Members

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

Acceding States

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