

Report of Implementation for the year 2014

DEADLINE FOR SUBMISSION OF THE REPORT 26 FEBRUARY 2015

Reporting CPC: Australia

Date: 26/02/2015

Please NOTE: this document is composed of 3 sections to report on the implementation of IOTC resolutions

Part A. *Describe the actions taken, under national legislation, in the previous year to implement conservation and management measures adopted by the Commission at its sixteenth Session.*

1. Resolution 14/01 On the removal of obsolete Conservation and Management Measures
Australia noted Resolution 14/01.
2. Resolution 14/02 For the conservation and management of tropical tunas stocks in the IOTC area of competence

The Western Tuna and Billfish Fishery is managed under a management plan, determined under Australia's Fisheries Management Act 1991. The management plan provides for a quota regime. It requires that the Australian Fisheries Management Authority (AFMA) determine a total allowable commercial catch (TACC) for each quota species for the fishing year before the fishing season commences. The TACC is then apportioned among quota holders. In determining the TACCs, AFMA takes into account criteria including recommendations from the IOTC Scientific Committee.

There has been no activity in the Western Skipjack Tuna Fishery in either 2013/14 or 2014/15 (to date).

The main data collection program conducted by Australia is daily logbooks in which fishers record detailed information about catch and effort. In addition, fishers are required to carry observers, operate a vessel monitoring system and provide catch disposal records to verify catch data.

3. Resolution 14/03 On enhancing the dialogue between fisheries scientists and managers
Australia noted Resolution 14/03.
4. Resolution 14/04 Concerning the IOTC record of vessels authorised to operate in the IOTC area of competence^a

Resolution 14/04 superseded Resolution 13/02. The amendments made by Resolution 14/04 require the notification of IMO numbers of eligible vessels (paragraph 2.b) and do not take full effect until 1 January 2016. Australia noted this amendment and will report further on its implementation of this requirement after 1 January 2016.

Australia has reported on its implementation of other parts of Resolution 14/04 in previous reports (in respect of Resolution 13/02). Further information on implementation is below.

Australia continues to maintain an up-to-date register of all Australian flagged vessels authorised to fish in the IOTC Area of Competence. Australia has submitted list of vessels authorised to operate in the IOTC Area of Competence and will continue to notify updates to the list as required to the IOTC Executive Secretary in accordance with paragraphs 2 and 5 of Resolution 14/04.

As required under paragraph 3 of Resolution 14/04, Australia has provided updated samples of the official authorisations that are carried on board Australian flagged fishing vessels authorised to fish in the IOTC Area of Competence, and associated information to the Executive Secretary. AFMA, the Competent Authority does not use an official stamp on the official authorisation.

Australia takes measures to ensure Australian flagged fishing vessels comply with relevant IOTC conservation and management measures (CMMs) and are not associated with IUU fishing, in accordance with paragraph 7 of Resolution 14/04. For example, outcomes from IOTC meetings are reported to industry in order to raise awareness of obligations. Relevant CMMs are given effect as part of conditions associated with vessels' authorisation to fish. Australian fishing vessels are monitored through VMS, catch and effort logbooks and in-port and at sea inspections. AFMA undertakes a biennial risk assessment process to identify priority areas that require targeted compliance and enforcement action. The risk assessment process is conducted across all major Commonwealth fisheries, including in the IOTC Area of Competence. AFMA adopts a structured approach to monitor existing and emerging risks that may require mitigation strategies during this two year period.

Australia has a multi faceted strategy to deter IUU fishing in its jurisdiction, which includes in-country activities and capacity building, diplomatic approaches and on the water enforcement. Australia will notify the IOTC Executive Secretary of any factual information regarding suspected IUU fishing in the IOTC Area of Competence.

In accordance with paragraphs 7 and 13 of Resolution 14/04, in the Western Tuna and Billfish Fishery a copy of the extract from the boat statutory fishing right (SFR) must be carried on board the nominated boat. In the Western Skipjack Tuna Fishery, the original or true copy of the fishing authorisation must be carried on board the nominated boat at all times.

Requirements for the marking of vessels and gear are implemented through conditions on boat SFRs in the Western Tuna and Billfish Fishery (Attachment A) and permit conditions in the Western Skipjack Tuna Fishery (Attachment B). Australia's marking requirements align

with the FAO Standard Specification for the Marking and Identification of Fishing Vessels, as required by paragraph 14 of Resolution 14/04.

The Australian Fish Export Statistical Document Program covers the international requirement for the export of tuna and tuna like species from Australia. It is used by Commonwealth fishing vessels authorised to fish in the IOTC Area of Competence in accordance with paragraph 9 of Resolution 14/04.

5. Resolution 14/05 Concerning a record of licensed foreign vessels fishing for IOTC species in the IOTC area of competence and access agreement information^a

Australia did not authorise any foreign vessels to fish in Australia's exclusive economic zone in 2014.

6. Resolution 14/06 On establishing a programme for transshipment by large-scale fishing vessels^a

Australia has prohibited at-sea transshipments in the Western Tuna and Billfish Fishery and the Western Skipjack Tuna Fishery by Australian-flagged fishing vessels within the IOTC Area of Competence since 2011. Australia did not authorise any at-sea transshipments in the IOTC Area of Competence in 2014. There were no transshipments in Australian ports in 2014.

Note: ^a indicate that a template report exists for some of the requirements and can be downloaded at <http://www.iotc.org/compliance/reporting-templates>

Part B. *Describe the actions taken, under national legislation, to implement conservation and management measures adopted by the Commission in previous Sessions, and which have not been reported previously.*

Australia takes actions under national legislation to implement IOTC conservation and management measures by updating the conditions that apply to fishing licences issued to Australian fishing vessels and by updating the regulations that set out the obligations applicable to fishing within the IOTC Area of Competence. Australia sets total allowable catch limits and allocates quota for IOTC-managed species annually, taking into account a number of criteria, including advice from the IOTC Scientific Committee.

Australia updated its National Plan of Action to Prevent, Deter and Eliminate illegal, Unreported and Unregulated Fishing in 2014.

Australia has provided information about the implementation of IOTC conservation and management measures through the detailed reports required under IOTC resolutions and within this report.

Part C. Data and information reporting requirements for CPCs to be included in this report (please refer to the *section February 2015 of the Guide on data and information reporting requirements for Members and Cooperating Non-contracting Parties*).

- Resolution 01/06 *Concerning the IOTC bigeye tuna statistical document programme*

CPCs which export bigeye tuna shall examine export data upon receiving the import data from the Secretary, and report the results to the Commission annually [*A template report exists*]).

The report has already been provided to the IOTC Secretariat:

Yes Date of reporting (DD/MM/YYYY): 30/01/2015

No

The report is attached to the implementation report:

Yes

No

Additional information:

Australia has previously reported on Resolution 01/06, concerning the IOTC bigeye tuna Statistical Document Programme. The Australian Government has implemented a Statistical Document Programme to meet statistical document requirements adopted by the IOTC under Resolution 03/03 as well as by other RFMOs and import markets.

- Recommendation 05/07 *Concerning a management standard for the tuna fishing vessels*

The CPC flag states which issues licenses to their AFVs should report annually to the Commission all measures taken to meet the minimum management standards when they issue fishing licenses to their "authorised fishing vessels".

The Australian Western Tuna and Billfish Fishery is managed under a management plan, determined under Australia's Fisheries Management Act 1991. The plan provides for quota-based management of the fishery. Fishing in the Western Skipjack Tuna Fishery is authorised through fishing permits, issued under section 32 of Australia's Fisheries Management Act 1991. These permits authorise fishing, subject to conditions.

An operational vessel monitoring system is mandatory for all Australian flagged fishing vessels authorised to fish in the IOTC Area of Competence. AFMA monitors VMS data to ensure vessel compliance with relevant obligations. Vessels must also complete a daily report of all catches in an AFMA logbook. Australian vessels maintain a level of observer coverage in order to meet the IOTC minimum target of five per cent scientific observer coverage.

Australia also undertakes in-port and at-sea inspections of its fishing vessels to monitor fishing activity.

Australian flagged fishing vessels fishing for tuna and tuna-like species are not permitted to tranship at sea within the IOTC Area of Competence.

All catch data is required to be verified by a licensed fish receiver by completing an AFMA Catch Disposal Record at the time of landing. Paper based audits may be used to verify compliance with requirements.

- Resolution 10/06 On Reducing the Incidental Bycatch of Seabirds in Longline Fisheries

CPCs shall provide to the Commission, as part of their annual reports, information on how they are implementing this measure and all available information on interactions with seabirds, including bycatch by fishing vessels carrying their flag or authorised to fish by them. This is to include details of species where available to enable the Scientific Committee to annually estimate seabird mortality in all fisheries within the IOTC Area of Competence.

Australia notes that as of 1 July 2014, Resolution 10/06 has been superseded by Resolution 12/06. Australia has previously reported against Resolution 10/06 concerning measures taken to reduce the incidental bycatch of seabirds in longline fisheries. Australia will continue to report on its implementation of, and information relating to seabird interactions in accordance with, Resolution 12/06, including through its annual National Report to the Scientific Committee. Australia has implemented fishing concession conditions aimed at reducing seabird mortality that are consistent with and exceed the minimum requirements detailed in Resolution 10/06 and now Resolution 12/06.

- Resolution 10/10 Concerning market related measures

For CPCs that import tuna and tuna-like fish products, or in whose ports those products are landed or transhipped, should report, a range of information (e.g. information on vessels / owners, product data (species, weight), point of export) annually. *[A template report exists].*

The report on import, landing or transhipment of tuna and tuna-like fish products landed or transhipped in port in 2014 have already been provided to the IOTC Secretariat:

Yes

Date of reporting (DD/MM/YYYY): 30/01/2015

No

The report on import, landing or transhipment of tuna and tuna-like fish products landed or transhipped in port in 2014 is attached to the implementation report:

Yes

No

Additional information:

Australia has previously reported on Resolution 10/10 concerning market related measures. Landings of fisheries products into Australia by foreign-flagged vessels are prohibited, except where ministerial approval has been granted. No such approvals were granted in 2014. Australia did not authorise any transhipments by Australian flagged fishing vessels authorised to fish in the IOTC Area of Competence in 2014.

Australia has reported its tuna imports to the IOTC Executive Secretary. Australia's fresh tuna import is relatively small with only 927 tonnes imported in 2014, brought into Australia

using container ships and chilled air freight. As required under paragraph 1 of Resolution 10/10, Australia currently provides available information on the imported products and associated vessels.

- Resolution 11/04 On a Regional observer scheme

CPCs shall provide to the Executive Secretary and the Scientific Committee annually a report of the number of vessels monitored and the coverage achieved by gear type in accordance with the provisions of this Resolution.

Australia has previously reported on Resolution 11/04 concerning a regional observer scheme. Australia provides information on observer coverage achieved, including the coverage rates by gear type, in Australia's National Report to the Scientific Committee. Australia has placed observers on Australian flagged vessels operating in the IOTC Area of Competence since 2003 and Australian vessels maintain a level of observer coverage in order to achieve the five per cent target for observer coverage each year, based on the number of hook sets. Observer coverage will be reported in Australia's next National Report to the Scientific Committee.

There has been no fishing activity in the Western Skipjack Tuna Fisheries in either 2013/14 or 2014/15 (to date).

Observer coverage for the Australian Southern Bluefin Fishery is reported to the Commission for the Conservation of Southern Bluefin Tuna. The ongoing target observer coverage for the Australian SBT purse seine fleet is ten per cent of the total catch and effort for the fishery.

- Resolution 12/04 On marine turtles

CPCs shall report to the Commission, in accordance with Article X of the IOTC Agreement, their progress of implementation of the FAO Guidelines and this Resolution.

Australia has previously reported on the implementation of Resolution 12/04, including in Australia's National Report to the Scientific Committee.

Australia's current turtle bycatch management and mitigation measures fulfil Australia's obligations under the FAO-Sea Turtles Guidelines. All marine turtles found in Australian waters are protected under Australia's Environment Protection and Biodiversity Conservation Act 1999 and a recovery plan was implemented in 2003.

AFMA requires the operators of longline vessels to carry at least one line cutter and one de-hooker on board at all times to facilitate the handling and prompt release of turtles caught or entangled, consistent with paragraph 8 of Resolution 12/04. Further, a number of materials, including a video, have been produced to educate the Australian longline fishing

industry on methods to minimise fishing impacts on turtle populations. Consistent with the IOTC Marine Turtle Identification Cards, these show how to safely bring turtles aboard and handle them on the deck of a fishing vessel, how to use de-hooking devices on turtles in the water and on deck, how to help comatose turtles recover and how to release them back into the water.

- Resolution 14/06 On establishing a programme for transshipment by large-scale fishing vessels

Each flag CPC of the LSTV shall include in its annual report each year to IOTC the details on the transshipments in ports by its vessels (Name of LSTV, IOTC Number, name of carrier vessel, species and quantity transhipped, date and location of transshipment). *[A template report exists].*

The details on transshipment in ports for 2014 have already been provided to the IOTC Secretariat:

Yes Date of reporting (DD/MM/YYYY): 12/09/14

No

The details on transshipment in ports for 2014 are attached to the implementation report:

Yes

No

Additional information:

Australia has prohibited at-sea transshipments in the Western Tuna and Billfish Fishery and the Western Skipjack Tuna Fishery by Australian-flagged fishing vessels within the IOTC Area of Competence since 2011. Australia did not authorise any at-sea transshipments in the IOTC Area of Competence in 2014. There were no transshipments in Australian ports in 2014.

- Resolution 12/12 To Prohibit the use of large-scale driftnets on the high seas in the IOTC Area

CPCs shall include in their Annual Reports a summary of monitoring, control, and surveillance actions related to large-scale driftnet fishing on the high seas in the IOTC area of competence.

Australia has previously reported on Resolution 09/05 concerning the prohibition on the use of large-scale driftnets on the high seas in the IOTC Area of Competence. Resolution 09/05 is superseded by Resolution 12/12. Australia's previous submission remains current. Australia's legislation prohibits the use of large-scale driftnets within Australia's exclusive economic zone and on the high seas by Australian nationals.

- Resolution 13/04 On the conservation of cetaceans

CPCs shall report, in accordance with Article X of the IOTC Agreement, any instances in which cetaceans have been encircled by the purse seine nets of their flagged vessels.

There have been no reported encirclements of cetaceans by purse seine nets of Australian flagged fishing vessels in the IOTC Area of Competence in 2014. All cetacean species are protected by Australian law.

- Resolution 13/05 On the conservation of whale sharks (*Rhincodon typus*)

CPCs shall report, in accordance with Article X of the IOTC Agreement, any instances in which cetaceans have been encircled by the purse seine nets of their flagged vessels.

There have been no reported encirclements of whale sharks by purse seine nets of Australian flagged fishing vessels in the IOTC Area of Competence in 2014. All whale sharks are protected by Australian law.

- Resolution 14/05 Concerning A Record Of Licensed Foreign Vessels Fishing For IOTC Species In The IOTC Area Of Competence And Access Agreement Information

For Government to Government access agreement in existence prior to the entry into force of this resolution, where coastal CPCs allow foreign-flagged vessels to fish in waters in their EEZ in the IOTC Area for species managed by IOTC through a CPC-to-CPC agreement, CPCs involved in the referred agreement:

- Shall submit copy of the access agreement,
- Shall submit information concerning these agreements (paragraphs 3a, b, c, d, e, f, g),

A report template exists and can be requested at secretariat@iotc.org

Australia did not authorise any foreign-flagged fishing vessels to fish in Australia's exclusive economic zone in 2014.

WTBF BOAT SFR CONDITIONS 2014 SEASON

AREA OF WATERS

1. This concession is granted for the area of waters described as:
 - (a) The areas specified in Part 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 (hereinafter referred to as "the Convention Area") and west of 141 degrees E as specified in Part 3 of Schedule 1 of the of the Western Tuna and Billfish 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 condition to comply with any Direction under s41A and the condition to comply with section 42A requiring facilitating boarding and cooperating with inspection by foreign officials under the Fish Stocks Agreement, 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 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 s42B(2) 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

AREA LIMITATION

1. The holder must not fish under this concession outside the area of waters described in this document.

MOVEMENT LIMITATIONS

2. If this concession allows fishing by the method known as longline, the holder must not enter or navigate in the following area of the Convention Area as detailed in 1 (b) of the area of waters between 1 February and 1 March inclusive:

(a) The area of waters contained within and bounded by a line:

- i. commencing at the point of intersection of the parallel of latitude 10°00.00' North and the meridian of longitude 40°00.00' East;
- ii. and proceeding east along the parallel of latitude 10°00.00' North to the intersection with the meridian of longitude 60°00.00' East;
- iii. then south along the meridian of longitude 60°00.00' East to the intersection with the parallel of latitude 00°00.00' North;
- iv. then west along the parallel of latitude 00°00.00' North to the intersection with the meridian of longitude 40°00.00' East;
- v. then north along the meridian of longitude 40°00.00' East to the point of commencement.

3. If this concession allows fishing by the method known as purse seine, the holder must not enter or navigate in the following area of the Convention Area as detailed in 1 (b) of the area of waters between 1 November and 1 December inclusive:

(a) The area of waters contained within and bounded by a line:

- i. commencing at the point of intersection of the parallel of latitude 10°00.00' North and the meridian of longitude 40°00.00' East;
- ii. and proceeding east along the parallel of latitude 10°00.00' North to the intersection with the meridian of longitude 60°00.00' East;
- iii. then south along the meridian of longitude 60°00.00' East to the intersection with the parallel of latitude 00°00.00' North;
- iv. then west along the parallel of latitude 00°00.00' North to the intersection with the meridian of longitude 40°00.00' East;
- v. then north along the meridian of longitude 40°00.00' East to the point of commencement.

4. 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.

5. Interacting with a data buoy includes, but is not limited to, encircling the buoy with fishing gear; tying up to or attracting 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.

6. 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.

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 and include:
 - (a) The date of observation;
 - (b) The buoy location; and
 - (c) 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) Ensure that before leaving port they hold at least 2000kg of uncaught Southern Bluefin Tuna quota nominated to the same boat which is nominated to this concession.

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 entering and while in the Convention Area continually reports its position via satellite to the IOTC Secretariat;
 - (d) 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;
 - (e) 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.
 - (f) The holder complies with the following:
 - i. ensure all fishing gear remains stowed and secured when transiting any

- other country's EEZ;
- 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;
- 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; and
- vi. cooperates with inspections by foreign fisheries officer authorised by other signatories to the United Nations Stocks Agreement. Failure to comply with an authorised officer's direction may result in this concession being suspended.

CONCURRENT CONDITIONS

10. This concession 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 concession.
 - (b) A breach, suspension or cancellation of that other concession is a breach, suspension or cancellation of this concession.
 - (c) The conditions of this concession apply (to the extent these conditions are not inconsistent and are capable of doing so) as conditions of that other concession while it is being used in conjunction with this concession.
 - (d) A breach, suspension or cancellation of this concession is a breach, suspension or cancellation of that other concession.

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 s15(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 concession carries on board one 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 drogue so that it remains above the water surface for a minimum of 90 metres from the stern of the boat;
 - iii. must have streamers attached to it with a maximum interval between the streamers of 3.5 metres;
 - iv. in addition to part a), i. above, all streamers must be maintained to ensure their lengths are as close to the water surface as possible;
- (b) The boat nominated to this concession carries on board a minimum of either:
 - (i) 1,000 weighted swivels each weighing at least 60 grams; or
 - (ii) 1,000 weights each of at least 40 grams;
- (c) 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 he/she deploys a separate tori line at each point at which hooks enter the water. All tori lines must comply with part a) above.
 - iii. 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.
- (d) The boat nominated to this concession 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. 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 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.
- (e) 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 (e) ii) is to protect the user of the knife from injury.

The boat nominated to this concession may use an alternative line weighting mechanism not described in part (c) iii) in conjunction with meeting parts (a) - (c) ii) 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 ensure that hooks are not connected to longline gear with the use of wire or wire traces.

BUOYS AND RADIO BEACONS

16. 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

17. 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.

18. All Bluefin Tuna taken in the Western Tuna and Billfish Fishery will be deemed as a Southern Bluefin Tuna unless the holder:

- (a) Obtains genetic testing showing that the fish in question is a Northern Bluefin Tuna (AFMA will then deem the fish a Pacific Bluefin Tuna); or
- (b) Exports the tuna to the Tokyo Metropolitan Central Wholesale Market (Tsukiji market), documents the fish as a Southern Bluefin Tuna on the relevant Catch Disposal Record (CDR) and provides the documentation from the Tokyo Metropolitan Central Wholesale Market (Tsukiji market) showing the fish was sold as a Pacific Bluefin Tuna (AFMA will then deem the fish as a Pacific Bluefin and reverse the CDR and Southern Bluefin Tuna quota decrementation).

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*.

19. 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.
20. 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.

21. Fishing for bait is subject to the following limitations:

(a) QUEENSLAND, WESTERN AUSTRALIA AND NORTHERN TERRITORY

If this concession 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
- ii. 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 concession.

BY CATCH LIMITATIONS

22. (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*), Dolphinfish (*Coryphaena hippurus*), 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*).

(b) ALL WATERS

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

- i. 20 sharks, excluding Oceanic Whitetip sharks, School shark, Gummy shark, Elephant fish of the Families *Callorhynchidae*, *Chimaeridae* and

Rhinochimaeridae and Sawshark;

- ii. 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*).

The holder must not take any of the following species:

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*).

23. 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. Silky shark (*Carcharhinus falciformis*);
 - v. Smooth hammerhead shark (*Sphyrna zygaena*); and
 - vi. Pelagic stingray (*Dasyatis violacea*).

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

24. 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.

25. 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.

26. 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

27. 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.
28. 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.

29. 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 live and vigorous state where practicable.
30. The holder must report any interaction with Thresher sharks in the relevant logbook.
31. The holder must not take or retain any Oceanic Whitetip sharks (*Carcharhinus longimanus*).
32. 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.
33. The holder must not set a purse seine net around any species of cetacean or Whale sharks. If a cetacean or Whale shark is encircled within a purse seine net, the holder must take all practicable steps to ensure the safe release of the cetacean or Whale shark.

QUOTA BALANCING OBLIGATIONS

34. (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 which satisfies AFMA that AFMA should not do so, 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

35. 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.
36. 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.
37. 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 <<mailto:licensing@afma.gov.au>>; and the boat must not depart on a fishing trip unless AFMA has been so notified of the change in contact details.

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

38. 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.

The giving of an indemnity by the holder to the servant or agent would be prohibited and unenforceable on public policy grounds as encouraging the offending conduct.

TEMPORARY ORDER OBLIGATIONS

39. 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

40. 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

41. 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.

WST CARRIER BOAT PERMIT CONDITIONS - 2012 - 2013 - 2014

Conditions applying to this Fishing Permit

In addition to the conditions specified by sub section 32(5) of the *Fisheries Management Act 1991*, and the condition in sub section 42(2) to comply with any log book determination, and the condition to comply with any Direction under s41A in accordance with sub section 32(7A), the following conditions are specified for the purposes of sub section 32(6) sub paragraph (a)(i):

Note: Under sub section 32(8) these conditions may be varied, revoked or a further condition specified by written notice from AFMA.

By s42B(2) 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

AREA LIMITATION

1. The holder must not fish under this concession outside the area of waters described in this document.

MOVEMENT LIMITATIONS

2. If this concession allows fishing by the method known as purse seine, the holder must not enter or navigate in the following area of the Convention Area as detailed in 1 (b) of the area of waters between 1 November and 1 December inclusive:

- (a) The area of waters contained within and bounded by a line:
 - i. commencing at the point of intersection of the parallel of latitude 10°00.00' North and the meridian of longitude 40°00.00' East;
 - ii. and proceeding east along the parallel of latitude 10°00.00' North to the intersection with the meridian of longitude 60°00.00' East;
 - iii. then south along the meridian of longitude 60°00.00' East to the intersection with the parallel of latitude 00°00.00' North;
 - iv. then west along the parallel of latitude 00°00.00' North to the intersection with

the meridian of longitude 40°00.00' East;

- v. then north along the meridian of longitude 40°00.00' East to the point of commencement.
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 attracting 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. 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 and include:
 - (a) The date of observation;
 - (b) The buoy location; and
 - (c) 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.

DOCUMENT ON BOARD OBLIGATION

7. This document or a true copy thereof must be carried on board the boat nominated to this concession at all times whilst on a trip under this concession and must be produced upon demand by an authorised Australian Fisheries Officer.

APPLICABLE BOAT

8. 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 entering and while in the Convention Area continually reports its position via satellite to the IOTC Secretariat;

- (d) 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 5426 or by email to licensing@afma.gov.au;
- (e) 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](mailto:VMSreporting@afma.gov.au) <<mailto: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.
- (f) The holder complies with the following:
 - i. ensure all fishing gear remains stowed and secured when transiting any other country's EEZ;
 - 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;
 - 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; and
 - vi. cooperates with inspections by foreign fisheries officer authorised by other signatories to the United Nations Stocks Agreement. Failure to comply with an authorised officer's direction may result in this concession being suspended.

TRANSHIPPING LIMITATIONS

- 9. Unless authorised by AFMA, the holder must not tranship Skipjack tuna (*Katsuwonis pelamis*) to another boat.
- 10. This concession allows the carrying of Skipjack tuna (*Katsuwonis pelamis*) and any bycatch in the area of waters specified in this concession received from any boat nominated to a Western Skipjack Tuna Fishery (WSTF) permit authorised by AFMA to tranship skipjack tuna.
- 11. Skipjack tuna (*Katsuwonis pelamis*) may only be received on board the nominated boat when the boat is in a port within the area of waters specified in this concession.
- 12. At least 48 hours prior to receiving any Skipjack tuna (*Katsuwonis pelamis*), the holder must notify AFMA via email to licensing@afma.gov.au <<mailto:licensing@afma.gov.au>> or via fax on 02 6225 5440 of the following information:
 - (a) The name of the boat from which Skipjack Tuna is to be received;
 - (b) Distinguishing symbol of the boat from which Skipjack Tuna is to be received;
 - (c) Port where the boat will receive the skipjack tuna;

- (d) Date and time that the Skipjack tuna will be received; and
- (e) The weight of the Skipjack tuna that will be received.

SPECIES LIMITATIONS

13. The holder must not take any tuna or tuna like species.

14. The holder may fish for bait subject to the following limitations:

(a) QUEENSLAND, WESTERN AUSTRALIA AND NORTHERN TERRITORY

If this concession allows access to waters adjacent to the States of Queensland and Western Australia, and the Northern Territory, the holder may fish for bait.

(b) SOUTH AUSTRALIA

If this concession allows access to waters adjacent to the State of South Australia the holder 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
- ii. Up to three tonnes per trip in total comprising one or more of *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 concession.

BY CATCH LIMITATIONS

15. (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. 2 fish in total consisting of either yellowtail kingfish (*Seriola lalandi*); or Amberjack (*Seriola dumerili*);
- ii. 10 fish in total consisting 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*), Dolphinfish (*Coryphaena hippurus*), Snapper (*Pagrus auratus*), Blue Eye trevalla (*Hyperoglyphe antarctica*), Hapuku (*Polyprion oxygeneios*) and Bar cod (*Polyprion maeone*);
- iii. 20 fish in total consisting of Butterfly mackerel (*Gasterochisma melampus*), Slender tuna (*Allothunnus fallai*) and Wahoo (*Acanthocybium solandri*).

(b) ALL WATERS

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

- i. 20 sharks, excluding School shark, Gummy shark, Elephant fish of the Families *Callorhinchidae*, *Chimaeridae* and *Rhinochimaeridae* and Sawshark;
- ii. 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 *Callorhinchidae*, *Chimaeridae* and *Rhinochimaeridae*, and Sawshark (*Pristiophorus cirratus* and *Pristiophorus nudipinnis*).

The holder must not take any of the following species:

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*).

TAKING/CARRYING OF SHARK OBLIGATIONS

16. 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.
17. 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 live and vigorous state where practicable.
18. The holder must report any interaction with Thresher sharks in the relevant logbook.
19. 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.

OTHER OBLIGATIONS

20. The holder must comply with the measures that would otherwise apply to foreign fishing boats as prescribed in Schedule 2 (prescribed measures Indian Ocean Tuna Commission) of the *Fisheries Management (International Agreements) Regulations 2009*. Any contravention of a measure contained within the *Fisheries Management (International Agreements) Regulations 2009* will be a contravention of this condition.

21. 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.
22. 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.
23. AFMA must be notified immediately of any change in contact details, by fax sent to (02) 6225 5426 or by email to licensing@afma.gov.au<<mailto:licensing@afma.gov.au>>; and the boat must not depart on a fishing trip unless AFMA has been so notified of the change in contact details.

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

24. 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.

The giving of an indemnity by the holder to the servant or agent would be prohibited and unenforceable on public policy grounds as encouraging the offending conduct.

TEMPORARY ORDERS OBLIGATIONS

25. 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.

NAVIGATING IN CLOSED ZONES

26. 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.

WST GEAR LIMITATIONS CONDITION - 2012 - 2013 - 2014

ATTACHMENT A

GEAR LIMITATIONS

1. This concession authorises the use of the following gear only:

(a) Purse Seine.

The size of the purse seine nets must not exceed 1482 metres x 280 metres.

The dimensions of the purse seine nets are determined as follows:

The hung length of a purse seine net must be measured between the last attached net mesh at each end of the headline. The depth of a purse seine net is the distance in the centre of the net between the headline and the footrope when they are at their maximum stretch distance apart.