**SBT Carrier Permit Conditions 17/18 Season (CDS)**

**Area of Waters**

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

The area specified as the SBT Fishery area in clause 3 of the *Southern Bluefin Tuna*

*Fishery Management Plan 1995*.

**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.

In addition to the above, the holder must comply with all the obligations prescribed in the

*Southern Bluefin Tuna Fishery Management Plan 1995* in particular:

Clause 12 titled: Who is entitled to fish for fish other than SBT in the SBT Fishery

 area? and

Clause 25 titled: Obligations of the holder of a fishing permit - section 32 of the Act.

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.

**Purposes Limitations**

2. In accordance with clause 9.2 of the *Southern Bluefin Tuna Fishery Management Plan*

*1995*, this concession allows the carrying of Southern Bluefin Tuna (*Thunnus maccoyii*).

**Gear Limitations**

3. The holder must ensure that each tow cage to be towed displays a unique identification

number allocated by an AFMA agent. This number must only be used once during the fishing season. The identification number must be displayed prior to the tow cage leaving for the fishing grounds. The tow cage identification number must be:

i. Highly visible;

ii. Located in a position that is not hazardous to working personnel;

iii. In a legible form;

iv. In contrasting colours; and

v. Securely attached to the tow cage and must not be removed until the cage no longer contains Southern Bluefin Tuna.

4. The holder must ensure that:

i. No devices or net configurations are used that allow Southern Bluefin Tuna

 to be released from the tow cage without human assistance; and

ii. Any equipment that may be used to take fish is stowed and secured on board

 while the boat is undertaking towing operations.

**Reporting Obligations**

5. The holder must send a report to AFMA within one hour of the boat nominated on

 this permit navigating south of latitude 34°53'17" South

i. The information may be sent by either fax (02 6225 5440), or email

 (sbtmonitoring@afma.gov.au) and contain:

a) Boat name

b) Name of port, date and time of departure from a port or place in Australia

c) If towing cage/s, cage identification

d) If not towing a cage state ‘no cage’

6. Any transfer of tow cages (holding fish) between carrier (tow) boats must be reported to AFMA within 24 hours of the transfer. Cage and boat details must be sent by fax (02 6225 5440) or by email to (sbtmonitoring@afma.gov.au ).

7. The holder must ensure that Seatec Pty Ltd is notified of the date and estimated

 time of arrival of the tow cage/s in port, and the day that the transfer is to commence.

 This notification should be made by calling Seatec Pty Ltd on telephone number

 (08) 8682 2181. The holder must not commence transferring Southern Bluefin Tuna from

 a tow cage to a static farm cage unless authorised to do so by a representative of Seatec Pty Ltd.

**Critical Incidents**

8. The holder must immediately report to AFMA all critical incidents or unusual

 circumstances affecting the fish in the tow cage, including but not limited to higher

 than normal mortality rates and/or number of fish that have escaped, boat breakdown,

 tow cage damage or loss from storm or weather damage. The information must be

 reported by calling the AFMA Duty Officer's Phone (24 hours) on 0419 205 329.

**Other Obligations**

9. 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.

10. 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.

11. AFMA must be notified immediately of any change in contact details, by fax sent to

 (02) 6225 5440 or by email to licensing@afma.gov.au; and the boat must not depart

 on a fishing trip unless AFMA has been so notified of the change in contact details.

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

or skipper or crew member’s mobile phone number - any number that may be used

by AFMA to contact the boat while it is at sea at any time, including in the event of

an emergency.

**Agent Obligations**

12. The holder accepts concurrent liability for all conduct by its servants or agents infringing

 the *Fisheries Management Act 1991* (or the Regulations, Management Plans or

 concession conditions made by virtue of that Act) who may be engaged by the holder

 to conduct on the holder’s behalf activity under this concession.

Liability for the conduct of the holder’s servants or agents arises, even if the conduct

may be, or actually is, beyond the scope of the servant or agent’s actual or apparent

authority where it is a breach that occurs during the conduct of activity authorised by

this concession.

The holder may avoid concurrent liability for conduct whilst conducting activity under

this concession if, but only if, the holder can establish that the infringing conduct

could not possibly have been prevented by any action or precaution that the holder

might have reasonably taken.

The giving of an indemnity by the servant or agent to the holder for any penalties

incurred by the holder, for infringing conduct by the servant or agent is not, of itself,

a reasonable precaution to prevent infringing conduct.

**Temporary Order Obligations**

13. 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**

14. AFMA may suspend this concession in accordance with this condition, pursuant to

 section 38(1)(c) of the *Fisheries Management Act 1991*, if it reasonably appears by

 VMS transmission from the nominated boat, that there is a failure by that boat while

 in a closed zone for the purposes of regulation 37B of the *Fisheries Management*

 *Regulations 1992*, to meet the exempting provisions of sub regulations 37C(2), or

 (3) or sub regulation 37D(2) or (3). Such suspension will then continue until the concession

 holder provides a full written explanation, to the satisfaction of the delegate responsible for

 issuing that suspension, of the lawful reason for the boat being in that closed zone at that

 time, or until the expiration of the suspension under sub section 38(2); whichever is the earlier.

**Recreational Fishing**

15. Recreational fishing is not permitted from the boat nominated on this permit.

**Catch Documentation Scheme**

16. The holder or authorized agent acting for the holder must ensure all Southern Bluefin Tuna are

 sold or otherwise disposed of through a Licensed Fish Receiver in possession of a current Fish

 Receiver Permit issued under the *Fisheries Management Act 1991* that is registered with

 AFMA to receive Southern Bluefin Tuna.

17. The holder or authorised agent acting for the holder must ensure that the following happens for

 all wild caught1 Southern Bluefin Tuna mortalities that are landed:

a) an AFMA approved tag is inserted directly into the fish, in such a way that it

 cannot be reused, before the fish are frozen or unloaded from the boat, which ever is first;

b) the length, weight and capture location of each individual fish is recorded on the Catch Tagging Form before the fish leaves their possession or is frozen, which ever is first;

c) the Catch/Harvest section of the Catch Monitoring Form is completed and given to the receiving Fish Receiver Permit holder or their authorised agent.

d) the Statutory Fishing Right holder or authorised agent acting for the holder is exempted from conditions 17.a)-17.4.c) if the fish is rejected and discarded within 30 hours, provided the fish is never sold and records of all mortalities discarded are kept.

18. The Catch Tagging Form must be certified by the master of the vessel or the fish receiver only when it has been correctly and fully completed.

19. Tags must remain attached to each individual dead Southern Bluefin Tuna until at least the first point

 of sale unless the tuna has been processed so that it is no longer whole2.

20. Ensure a copy of the Catch Monitoring Form, with the Catch/Harvest Section and either the Export or Domestic Sale section completed and validated, is sent to AFMA within 3 days of the catch being landed.

21. Copies of all completed catch tagging forms must be sent back to AFMA within 3 days of completion.

22. If there are insufficient tags on board a vessel to tag all fish:

a) AFMA must be contacted prior to landing, in writing, by either faxing (02) 6225 5440

 or emailing sbtmonitoring@afma.gov.au and

b) the fish must not leave the vessel until an AFMA approved tag has been attached to it.

23. The permit holder or authorised agent acting on their behalf must ensure that if a tag is lost or needs to be replaced the following information is provided to AFMA by either faxing (02) 6225 5440 or emailing sbtmonitoring@afma.gov.au <mailto:sbtmonitoring@afma.gov.au> within 3 days of it being replaced:

a) Old tag number (if known)

b) New tag number

c) Old Catch Tagging Form Document Number (if known)

d) New Catch Tagging Form Document Number

e) Reason the tag was changed.

24. All sections of Catch Documentation Scheme forms must be filled in completely and correctly according to the instructions.

**Mandatory AFMA supplied VMS**

 Direction to Fit

25. When directed by AFMA in writing, the concession holder (or a person acting on the holder’s behalf) must;

a. make available, within 14 days of the date of the written direction, the boat nominated to this concession for the purposes of installation of an AFMA Vessel Monitoring System unit (AFMA VMS unit) by an AFMA approved technician, and

b. Provide all reasonable assistance to the AFMA approved technician including (but not limited to);

i. the provision of an un-interrupted connection to the boat’s main power source, and

ii. an appropriate position for the mounting of the AFMA VMS unit.

26. When directed by AFMA in writing, the concession holder (or a person acting on the holder’s behalf) must;

a. make available, within 14 days of the date of the direction, the boat nominated to this concession for the purposes of removal of the AFMA VMS unit by an AFMA approved technician, and

b. Provide all reasonable assistance to the AFMA approved technician.

Concession holder must not interfere with AFMA VMS Unit

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

**Definitions:**

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

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

 *Physical obstruction or removal of the AFMA VMS unit, or*

 *Deliberately disconnecting or otherwise interfering with the power supply to the AFMA VMS unit, or*

 *Deliberate physical interference with the casing or any external or internal components of the AFMA VMS unit.*

**Notes**

***Must Make boat available*** *- Where the boat is not made available in accordance condition 25 (a) or 26 (a),*

*AFMA may suspend this concession pursuant to section 38(1)(c) of the Fisheries Management Act 1991.*

***Must maintain VMS Unit*** *- Regardless of AFMA’s decision to fit an AFMA VMS unit, the holder must continue to maintain a VMS unit in accordance with regulation 9D of the Fisheries Management Regulations 1992.*

***Remains the property of AFMA*** *- At all times the AFMA VMS unit remains the sole property of AFMA.*

*The holder is liable for any costs incurred as a result of loss or damage to the unit.*

**HANDLING AND TREATMENT OF BYCATCH**

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

 **Definitions:**

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

 *i. death of, or*

 *ii. injury to, or*

 *iii. causing of physiological stress to any bycatch.*

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

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

 to ensure the safety of the boat and or its crew, or

 to comply with the requirements of any AFMA approved bycatch management plan(s) (these may include Seabird Management Plans, Vessel Management Plans etc.).

1Wild Caught: Southern Bluefin Tuna is considered wild caught if it is brought on board a vessel at sea and killed and has not been counted into a farm cage. A fish is not classified as wild caught if it has been transferred into a CCSBT registered farm, it is then ‘farmed’.

2Whole: A fish remains whole despite cleaning, gilling, and gutting, freezing, removing fins, gill plates and tail and removing the head or part of the head. A fish is no longer considered to be whole if it has undergone processes such as filleting or loining.