

## **Attachment C - Supplementary conditions applicable to fishing in the SPRFMO area of waters**

### **Definitions**

In these conditions:

**CMM 03-2023** means the Convention and Management Measure for the Management of Bottom Fishing in the SPRFMO Convention Area as that document exists at the issue date of this permit.

**CMM 03a-2023** means the Conservation and Management Measure for Deepwater Species in the SPRFMO Convention Area as that document exists at the issue date of this permit.

**CMM 09-2017** means the Conservation and Management Measure for Minimising Bycatch of Seabirds in the SPRFMO Convention Area as that document exists at the issue date of this permit.

**CMM 12-2020** means the Conservation and Management Measure for the regulation of Transshipment and Other Transfer Activities as that document exists at the issue date of this permit.

**CMM 19-2021** means the Conservation and Management Measure for the Marking and Identification of Fishing Vessels, as that document exists at the issue date of this permit.

**CMM 06- 2023** means the Commission Vessel Monitoring System (VMS) in the SPRFMO Convention Area, as that document exists at the issue date of this permit.

The current conservation and management measures can be viewed on the South Pacific Regional Fisheries Management Organisation's website ([sprfmo.int/fisheries/conservation-and-management-measures](https://sprfmo.int/fisheries/conservation-and-management-measures)).

**Evaluated Area** has the same meaning as in **CMM 03-2023**.

**Line methods** means bottom line as defined in **CMM 03-2023**.

**Lord Howe Rise stock** has the same meaning as in **CMM 03a-2023**.

**Louisville Ridge** has the same meaning as in **CMM 03a-2023**.

**Management area** means the areas of waters in Attachment C2 Schedule 1 of this permit, under the headings of "Bottom Trawl Management Area", "Mid-water Trawl Management Area" and "Bottom Line Management Area".

**Northwest Challenger stock** has the same meaning as in **CMM 03a-2023**.

**South Tasman Rise** means the area of waters defined in Part 2 of the *Fisheries Management Regulations 2019*.

**SPRFMO area of waters** means the area of waters defined in Attachment C2 Schedule 1 of this permit.

**SPRFMO mixed species** means all species excluding orange roughy (*Hoplostethus atlanticus*).

**Tasman Sea** has the same meaning as in **CMM 03a-2023**.

**Trawl methods** means bottom (demersal) trawl and mid-water trawl as defined in **CMM 03-2023**.

**VME** ‘Vulnerable Marine Ecosystem’ has the same meaning as in **CMM 03-2023**

**West Norfolk Ridge stock** has the same meaning as in **CMM 03a-2023**.

**Westpac Bank** has the same meaning as in **CMM 03a-2023**.

### **Area Limitations**

1. The holder must only fish in the area of waters relevant to the gear type(s) authorised in Attachment C2 Schedule 1 of this permit, such that:
  - (a) Bottom (demersal) trawling must only occur in a Bottom Trawl Management Area, excluding the South Tasman Rise;
  - (b) Mid-water trawling must only occur in a Mid-water Trawl Management Area or a Bottom Trawl Management Area, excluding the South Tasman Rise; and
  - (c) Line methods must only occur in a Management Area.
2. Fishing is not to be engaged in using line methods and trawl methods in the area of waters of the North Lord Howe and Central Lord Howe vulnerable marine ecosystem (VME) encounter areas described in Table 1 and Table 2, respectively.

**Table 1: Coordinates for the North Lord Howe VME encounter area.**

<b>Decimal Degrees</b>		<b>Degrees Decimal Minutes</b>	
<b>Latitude</b>	<b>Longitude</b>	<b>Latitude</b>	<b>Longitude</b>
34.1774° S	162.6362° E	34° 10.644' S	162° 38.172' E
34.1774° S	162.6696° E	34° 10.644' S	162° 40.176' E
34.2252° S	162.6692° E	34° 13.512' S	162° 40.152' E
34.2252° S	162.6358° E	34° 13.512' S	162° 38.148' E

**Table 2: Coordinates for the Central Lord Howe VME encounter area**

<b>Decimal Degrees</b>		<b>Degrees Decimal Minutes</b>	
<b>Latitude</b>	<b>Longitude</b>	<b>Latitude</b>	<b>Longitude</b>
36.0000° S	166.1770° E	36° 00.000' S	166° 10.620' E
35.9850° S	166.1400° E	35° 59.100' S	166° 8.400' E
35.9430° S	166.1630° E	35° 56.580' S	166° 9.780' E
35.9580° S	166.2000° E	35° 57.480' S	166° 12.000' E
36.0000° S	166.1770° E	36° 00.000' S	166° 10.620' E

### **Marking and identification requirements**

3. *To the extent of any inconsistency between the marking and identification requirements of the High Seas General Permit Conditions and these SPRFMO Supplementary Conditions, the requirements in these SPRFMO Supplementary Conditions will take precedence.*
4. Before the nominated boat leaves port with the intention of entering the high seas fishery,
  - (a) it must be marked at all times in accordance with the identification and marking requirements set out below.
  - (b) The concession holder must send photos of the nominated boat’s markings to demonstrate compliance with the requirements set out below. Photos must be sent as a jpeg, png or tiff file to [licensing@afma.gov.au](mailto:licensing@afma.gov.au).

5. Markings required:

- (a) The boat's name and International Radio Call Sign (IRCS).
- (b) If the boat has not been assigned an IRCS (the characters allocated by the International Telecommunication Union), the vessel registration number assigned to the vessel by AMSA shall be marked. The registration number marking must have a hyphen separating Australia's national identification characters '86' and the rest of the registration number. For example, if the boat's AMSA registration number is 860158, the marking should be displayed as 86 – 0158.

6. Location and position of markings

- (a) The boat's name and IRCS must be marked on the boat's hull or superstructure, both on the port and starboard side. The markings must be placed as high as possible above the waterline, not extend below the waterline and avoid placement on the bow and the stern. This includes when the boat is at full load or displacement.
- (b) The IRCS must additionally be marked on a deck, which is any horizontal plane – such as the top of the wheelhouse.
- (c) All markings must not be obscured in part or full by fishing gear, irrespective of whether the gear is stowed or in use.

7. Technical specification requirements of the IRCS or alternative marking:

- (a) The *IRCS or alternative* markings must be in block lettering and numbering, with the letters capitalised.
- (b) The *IRCS or alternative* markings must meet the size and spacing requirements for the boat's size as required in CMM19-2021.
- (c) The *IRCS or alternative* markings must be either white on a black background, black on a white background, or be of a colour that contrasts with the background so that it is clearly visible, and the background must meet the border dimensions required by CMM19-2021.
- (d) The *IRCS or alternative* markings must be painted using good quality marine paints to ensure durability and be maintained and in good condition at all times.
- (e) Retro-reflective or heat generating substances may be used provided that the marks meet the technical specification requirements of *CMM19-2021*.

Presence of other marks and identifiers

- 8. Markers and identifiers consisting of letters and/or numbers other than those required *in these conditions* must not be displayed on the hull or superstructure, unless they are the *vessel's name, identification number or port of registry* required by international practice or under Australian law. If the name of the vessel owner is marked on the boat *in accordance with Australian law*, and this marking is on the hull or the superstructure, it can remain provided it does not limit the visibility of the marking required *in these conditions*.

## **Gear Limitation – Seabird Mitigation**

9. The boat nominated to this concession must not discharge any biological material while fishing gear is in the water unless an exemption has been provided by AFMA.
10. The concession holder must ensure that the nominated boat uses at least one bird scaring line when deploying longlines. The line must be set up in accordance with specifications of bird scaring lines and method of deployment given in Annex 1 of CMM 09-2017.
11. The concession holder must ensure a Bird Excluder Device (BED) designed to discourage birds from accessing baits during hauling of longlines is deployed at all times during line hauling. The BED must be constructed in order to achieve the following operational characteristics:
  - (a) deterrence of birds flying directly into the area where the line is being hauled; and
  - (b) prevention of birds that are sitting on the surface from swimming into the hauling bay area.
12. The concession holder must ensure that the nominated boat deploys bird bafflers on both warps while trawl gear is in the water. The bird baffler must be set up in accordance with specifications in Annex 2 of CMM 09-2017.

## **Species limitations**

13. When fishing in the SPRFMO Area of Waters, the holder must not take orange roughy (*Hoplostethus atlanticus*) in an area listed below under this concession if notified by AFMA that the national catch trigger for that area has been reached. These areas and national catch triggers are:
  - (a) Tasman Sea 68 tonnes
  - (b) Louisville Ridge 52 tonnes
  - (c) Westpac Bank 13 tonnes
14. When fishing in the SPRFMO Area of Waters, the holder must not take orange roughy (*Hoplostethus atlanticus*) from a Tasman Sea stock listed below under this concession if notified by AFMA that the global catch trigger for that stock has been reached. These stocks and global catch triggers are:
  - (c) Northwest Challenger stock 104 tonnes
  - (d) Lord Howe Rise stock 113 tonnes
  - (e) West Norfolk Ridge stock 22 tonnes
15. The concession holder must notify SPRFMO and AFMA no less than 72 hours (three days) before the commencement of fishing in the Tasman Sea or Westpac Bank areas. The holder must notify SPRFMO and AFMA by completing the template at Attachment C1.

Note: The template provided at Attachment C1 must be used by the holder to meet VMS reporting obligations under conditions 18, 24, 25 and 26.

16. The holder must not fish in Westpac Bank unless prior authorisation has been given by AFMA. The authorisation must be sought by contacting AFMA by fax on (02) 6225 5500 or by email to [monitoring@afma.gov.au](mailto:monitoring@afma.gov.au).
17. The holder must not take SPRFMO mixed species under this concession if notified by AFMA that the SPRFMO mixed species trigger limit for the method authorised under this concession has been reached. These SPRFMO mixed species trigger limits are: (a) 55 tonnes for trawl methods; and (b) 135 tonnes for line methods.

18. When fishing using trawl methods, the holder must submit daily reports to AFMA via email at [monitoring@afma.gov.au](mailto:monitoring@afma.gov.au) or phone on 1300 723 621 that includes:
  - (a) the total weight for all retained species; and
  - (b) for orange roughy (*Hoplostethus atlanticus*) taken in the Tasman Sea, the stock from which it was taken (Northwest Challenger stock, Lord Howe Rise stock, West Norfolk Ridge stock); (c) whether any fishing gear is in the water at the time of reporting.
19. When fishing using line methods, when notified by AFMA that 70 per cent of the SPRFMO mixed species trigger limit is reached, the holder must submit daily reports to AFMA via email at [monitoring@afma.gov.au](mailto:monitoring@afma.gov.au) or phone on 1300 723 621 that includes:
  - (a) the total weight for all retained species; and
  - (b) whether any fishing gear is in the water at the time of reporting.
20. When fishing using line methods, the concession holder must have an electronic monitoring system installed and operating on the nominated boat at all times an AFMA observer is on board.

### **VMS Reporting Obligations**

21. While in the SPRFMO Convention Area, the holder must ensure that the nominated boat is reporting to both the SPRFMO Commission VMS and AFMA. The holder must notify SPRFMO and AFMA by completing the template at Attachment C1 address the reporting requirements under conditions 18, 24, 25 and 26.
22. To activate reporting to the SPRFMO Commission VMS, the holder must notify the SPRFMO Secretariat via email to [vms@sprfmo.int](mailto:vms@sprfmo.int) and AFMA via email to [monitoring@afma.gov.au](mailto:monitoring@afma.gov.au) at least 72 hours prior to entering the SPRFMO Convention Area with the following information:
  - (a) the boat name and international distinguishing symbol; and
  - (b) the date and time the boat will be entering the SPRFMO Convention Area.
23. To deactivate reporting to the SPRFMO Commission VMS, the holder must notify the SPRFMO Secretariat via email to [vms@sprfmo.int](mailto:vms@sprfmo.int) and AFMA via email to [monitoring@afma.gov.au](mailto:monitoring@afma.gov.au) upon exiting the SPRFMO Convention Area with the following information:
  - (a) the boat name and international distinguishing symbol; and (b) the date and time the boat exited the SPRFMO Convention Area.

### **Manual Reporting**

24. In the event of a failure in automatic reporting of four consecutive, expected programmed VMS positions, holders are required to manually report until automatic reception of VMS positions are re-established.

25. The holder must:

- (a) Record the vessel's position hourly and report at least every 4 hours the following information:
  - i. IMO number (if applicable)
  - ii. International Radio Call Sign
  - iii. Vessel Name
  - iv. Vessel Master's name
  - v. Position Date (UTC)
  - vi. Position Time (UTC)
  - vii. Latitude (Decimal Degrees accurate to within 100 metres)
  - viii. Longitude (Decimal Degrees accurate to within 100 metres)
  - ix. Course (if possible)
  - x. Speed (if possible)
  - x. Activity (fishing, transit, transshipping)

26. The maximum period for manual reporting is 30 days. If automatic reporting from the VMS has not been re-established within 30 days from the commencement of manual reporting, the holder must cease fishing, tow all fishing gear and immediately return to port in order to undertake VMS repairs.

27. Before a vessel can cease manually reporting, it must receive confirmation from the SPRFMO Secretariat that it has received four consecutive, programmed VMS positions and that the unit is considered fully operational.

28. Manual reports must be sent to AFMA and the Secretariat simultaneously. For reports being directed to:

- (a) the Secretariat, vessels must email these messages to [vms@sprfmo.int](mailto:vms@sprfmo.int)
- (b) AFMA, vessels must email these messages to [monitoring@afma.gov.au](mailto:monitoring@afma.gov.au).

### Move on Provisions

29. In the SPRFMO Area of Waters, if in any one trawl shot:

- (a) the catch of any VME indicator taxa meets or exceeds the threshold limits in Table 3.
- (b) three or more different VME indicator taxa are caught at or above the threshold limits in Table 4.

the holder must:

- i. cease fishing immediately within one nautical mile either side of the trawl track extended by one nautical mile at each end; and
- ii. notify AFMA (1300 723 621 or at [monitoring@afma.gov.au](mailto:monitoring@afma.gov.au)) and the SPRFMO Secretariat ([secretariat@sprfmo.int](mailto:secretariat@sprfmo.int)) immediately in accordance with the Guidelines for the preparation and submission of notifications of encounters with potential VMEs, contained in Annex 7 of CMM 03-2022; and
- iii. not fish in that area until AFMA notifies otherwise.

**Table 3: Weight threshold for triggering VME encounter protocol in any one tow for a single VME indicator taxa.**

Vulnerable taxa	Common Name	Weight Threshold (kg)
Phylum Porifera	Sponges	25
Phylum Cnidaria		
Class Anthozoa		
Order Scleractinia	Stony corals	60
Order Antipatharia	Black Corals	5
Informal group	Seafan octocorals	15
Gorgonian Alcyonacea		
Order Actiniaria	Anemones	35
Order Zoantharia	Hexacorals	10

**Table 4: Weight threshold for triggering VME encounter protocol in any one tow for three or more different VME indicator taxa.**

<b>Vulnerable taxa</b>	<b>Common Name</b>	<b>Weight Threshold (kg)</b>
Phylum Porifera	Sponges	5
Phylum Cnidaria		
Class Anthozoa		
Order Scleractinia	Stony corals	5
Order Antipatharia	Black corals	1
Order Alcyonacea	True soft corals	1
Informal group	Seafan octocorals	1
Gorgonian Alcyonacea		
Order Pennatulacea	Sea pens	1
Order Actiniaria	Anemones	5
Order Zoantharia	Hexacorals	1
Class Hydrozoa	Hydrozoans	1
Order Anthoathecatae		
Family Stylasteridae	Hydrocorals	1
Phylum Bryozoa	Bryzoans	1
Phylum Echinodermata		
Class Asteroidea		
Order Brisingida	Armless stars	1
Class Crinoidea	Sea lillies	1