

## **NPF Broodstock Permit Conditions 2023**

### **CONDITIONS APPLYING TO THIS PERMIT**

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

*Note: Under subsection 32(8) of the FM Act these conditions may be varied, revoked or a further condition specified by written notice from AFMA.*

Specifically, section 32(5)(a) of the Act provides that a Fishing Permit is granted subject to conditions that the holder must comply with any obligations imposed by the *Northern Prawn Fishery Management Plan 1995* (the Plan) in particular:

Section 14	Who may fish commercially in the Northern Prawn Fishery area;
Section 22	Obligations on the holders of fishing concessions; and
Section 32	Agents.

By section 42B (1) of the Act, Regulations may prescribe conditions that apply to fishing concessions. Regulations have been prescribed in the *Fisheries Management Regulations 2019* (the Regulations) providing conditions that apply to this fishing concession in particular:

Regulation 33	Nominated boat must be used on trip
Regulation 37:	Concession holder to ensure that vessel monitoring system is fitted and operating
Regulation 39:	Requirement to carry observer
Regulation 40:	Concession holder to ensure provision for observer and equipment
Regulation 41:	Concession holder to ensure observer is able to perform functions
Regulation 67:	Prohibited ways of processing fish
Regulation 68:	Removal of shark liver
Regulation 70:	No interaction with protected organism
Regulation 71:	Reporting interaction with protected organism
Regulation 72:	Requirements if protected organism is injured by interaction
Regulation 73:	Requirements if protected organism killed by interaction

### **AREA OF WATERS**

1. This fishing permit is granted for the area of waters specified in Schedule 1 of the Plan.

#### **AREA LIMITATIONS**

2. The holder must not fish under this fishing permit outside the area of waters described above.
3. The holder must ensure that all trips made under this fishing permit commence and end in port.
4. The holder of this permit must comply with all closures directions issued with respect to the Northern Prawn Fishery, except the obligation to comply with the *Fisheries Management (Northern Prawn Fishery Seasonal Closures) Direction 2021*.

#### **ELIGIBLE BOAT**

5. The holder must not use a boat to fish unless that boat:
  - (a) meets the requirements for an Australian-flagged boat, within the meaning of section 4 of the FM Act;
  - (b) is capable of meeting all other conditions for the fishing permit; and
  - (c) is not nominated as the boat to be used by another person under a fishing concession granted under the FM Act.
6. The holder must ensure that only the boat specified on this fishing permit is used for a trip to fish under this fishing permit.

#### **MOVE ON REQUIREMENTS**

7. If fishing activity results in interactions with four or more sawfish (any species of the family Pristidae) within a calendar day, the holder shall not deploy fishing gear again for at least 24 hours within three (3) nautical miles of the location where the most recent shot commenced and concluded.

#### **NOTIFICATION AND REPORTING OBLIGATIONS**

8. The holder must give AFMA at least 24 hours notification prior to returning from any broodstock fishing trip.
9. Notification must include the boat name, the intended port, expected time of arrival. Notification is to be made to the AFMA Regional Duty Officer on telephone number 0428 196 114.
10. A subsequent notification must be made around, but no less than, two (2) hours from port.
11. The holder must ensure that the relevant information about fish taken (fish landed, sex, retained and discarded) and other species interactions in the area of the NPF is accurately and fully recorded using electronic logbooks (ETRAWL) in accordance with the general information and instructions for completion of the logbook. In addition:
  - The holder must advise NPF Industry Pty Ltd (NPFi) at the end of each trip and before they embark on the next trip that the ETRAWL has been submitted to AFMA;
  - All sawfish species caught must be photographed, including when fishery observers are on board, where it is safe to do so, using any camera such that the photos are in colour and include a date/time stamp. Photos shall show the full animal and shall be provided to NPFi

at the conclusion of the trip.

In the event that the vessel's ETRAWL system is not functional, all data is to be recorded in the Excel spreadsheet provided by NPFI and submitted to NPFI and AFMA within 48 hours of the end of each trip and before embarkation on the subsequent trip.

#### **SPECIES LIMITATIONS AND BROODSTOCK FEED**

12. Fishing under broodstock permits shall cease when a cumulative total of 9,000 live *Penaeus monodon* are landed and unloaded from the vessel/s for supply to aquaculture businesses. AFMA shall advise the holder when this limit has been reached.
13. All other catch taken (other than for broodstock feeding purposes), must be returned to the water as soon as practicably possible to provide the best opportunity for survival of the catch.
14. Live *P. Monodon* will be fed off the tray or with Northern Territory squid purchased locally. The use of manufactured feed or imported seafood during the course of this operation is prohibited.

#### **TRAWL SHOT CONDITIONS**

15. Broodstock fishing trawl shots must be no longer than 50 minutes in duration from the time of shooting away to completion of winch up (block to block).

#### **GEAR LIMITATIONS**

16. This fishing permit authorises the use of the following gear only:
  - (a) Trawl
17. The holder must use:
  - (a) Either two or four main nets with a combined total headrope length no greater than 43.5 metres.
  - (b) All nets used must be fitted with a Turtle Exclusion Device (TED) and Bycatch Reduction Device (BRD) as described under the Fisheries Management (Northern Prawn Fishery Gear Requirements) Direction 2021 in force at the time; and
  - (c) One try net with a maximum headrope of 3.66 metres.

*Note: A TED and/or BRD is not required to be fitted to the try net.*

18. The holder must not trawl in any area of the Northern Prawn Fishery if there is any evidence of banana prawn aggregations.
19. The holder must ensure that the main freezer hold remains non-operational at all times.

#### **TRANSHIPPING LIMITATION**

20. The holder must not tranship fish taken with the use of the boat specified in this fishing permit to another boat.

#### **CARRYING LIMITATION**

21. The holder must not carry fish taken by another boat on the boat specified in this fishing permit.
22. The holder must not be carrying fish taken under any other permit or licence from AFMA and/or a State or Northern Territory fishery permit or licence on the boat specified.

#### **CARRYING OF OBSERVERS/SCIENTIFIC PERSONNEL**

23. Upon initial (first) grant of a NPF broodstock fishing permit, the holder must facilitate the carriage of fishery observers (observers) on the nominated boat for all (100% of) trips if requested until AFMA is satisfied with the observers' data collection and subsequent assessment of the fishing operation.
24. For all other fishing trips under this fishing permit the holder must, if requested by AFMA, arrange for the carriage of fishery observers (observers) on the nominated boat.
25. The holder must ensure that the observer is given reasonable access to all areas and facilities of the boat required to collect data, samples, video footage, photographs and other information required to permit independent assessment of the boat's fishing activities.
26. The holder must ensure that the observer is provided with a satisfactory standard of accommodation, meals, medical care and a safe and healthy living and working environment in which the observer is free from harassment and undue influence.
27. The holder must make the boat's communication facilities available with reasonable daily access to allow the observer to make scheduled communications.
28. The holder must contact the AFMA NPF Manager on (02) 6225 5555 (business hours) or the Observer duty phone on 0427 496 446 (after hours) to arrange for an observer placement as soon as possible and at least 72 hours prior to departure.

#### **INTERACTIONS WITH THE ENVIRONMENT**

29. The holder must take all reasonable steps to avoid interactions with the following species:
  - (a) Cetaceans, within the meaning given by the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act);
  - (b) Marine species listed under section 248 of the EPBC Act;
  - (c) Migratory species listed under section 209 of the EPBC Act;
  - (d) Threatened ecological communities listed under section 181 of the EPBC Act;
  - (e) Threatened species listed under section 178 of the EPBC Act.

***Note: There are many species of animals that are listed under the EPBC Act. Of relevance to Commonwealth fisheries, all whales, dolphin, seabirds, sea snakes, turtles, seals and sea lions, syngnathids (sea horses, sea dragons and pipefish), sawfishes, crocodiles and dugongs are protected. There are also some protected sharks (great white, grey nurse, whale shark, silky shark, mako shark & porbeagle shark).***

30. If fishing activity results in any interaction with a protected species or community, the master on behalf of the holder must report to AFMA any such interaction with that or those protected

species or communities in the approved form within 48 hours of landing.

*Note: Approved Forms include either the Excel spreadsheet template provided by NPFI or the electronic logbook ETRAWL (or its subsequent replacement) in accordance with the general information and instructions for completion of the logbook.*

31. If an interaction with a protected species or community results in injury or death to any protected species the master on behalf of the holder must:
- (a) take all reasonable measures not to kill, injure or further harm the protected species, and
  - (b) aid and revive any injured animals where practical.

#### **INSPECTIONS**

32. The holder must, if requested by AFMA, facilitate the undertaking of an inspection by an officer appointed under section 83 of the FM Act or an officer of AFMA prior to unloading at their own cost.

#### **MANDATORY AFMA SUPPLIED VMS**

##### Direction to Fit

33. 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.
34. 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

35. 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'** includes, but is not limited to;

- a. Physical obstruction or removal of the AFMA VMS unit, or

- b. Deliberately disconnecting or otherwise interfering with the power supply to the AFMA VMS unit, or
- c. Deliberate physical interference with the casing or any external or internal components of the AFMA VMS unit.

**Note:**

**Must Make boat available**

Where the boat is not made available in accordance condition 21 1 (a) or 21 2(a), AFMA may suspend this concession pursuant to section 38(1)(c) of the Act.

**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 37 of the Regulations.

**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.

**NAVIGATING IN CLOSED ZONES**

- 36. AFMA may suspend this concession in accordance with this condition, pursuant to section 38(1)(c) of the FM Act, if it reasonably appears by VMS transmission from the nominated boat, that there is a failure by that boat while in a closed zone for the purposes of regulation 86 of the *Fisheries Management Regulations 2019* (the Regulations), to meet the exempting provisions of sub regulations 86(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.

**AGENT OBLIGATIONS**

- 37. The holder accepts concurrent liability for all conduct by its servants or agents infringing the FM Act (or the Regulations, Management Plans or concession conditions made by virtue of the FM Act) who may be engaged by the holder to conduct on the holder's behalf activity under this concession.
- 38. 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.
- 39. 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.
- 40. 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.
- 41. The holder must ensure that the master of the boat fishing under the authority of this concession is nominated as an authorised agent for the holder before any fishing operation may take place:
  - a. The holder must ensure the authorised agent signing the determined \*Daily Fishing logbook page was the master of the boat (skipper) at the time the recorded fishing

operation took place.

- b. The holder may sign the determined \*Daily Fishing logbook page if they were the master of the boat (skipper) when the recorded fishing operation took place.
- c. If more than one master of the boat is on board the boat during the fishing trip, each master must complete and sign a separate determined \*Daily Fishing logbook page for each of the fishing operations for which they had control over.

*\*These instructions are for all determined Daily Fishing Logs including e-Logs.*

#### **TEMPORARY ORDER OBLIGATIONS**

42. The holder must comply with any Temporary Order made under subsection 43(2) of the FM Act and to the extent that any provision herein is inconsistent with such Temporary Order subsection 43(9) provides that the provision herein is overridden by the Temporary Order until the Temporary Order ceases to have effect.

#### **HANDLING AND TREATMENT OF BYCATCH**

43. The 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** also includes listed protected species under the EPBC Act.)

**Note:** 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.).

#### **REQUIREMENT TO USE ELECTRONIC LOGBOOKS (E-LOG)**

44. The holder must ensure that the relevant information about fish taken (fish landed, sex, retained and discarded) and other species interactions in the area of the NPF is accurately and fully recorded using electronic logbooks (ETRAWL) in accordance with the general information and

instructions for completion of the logbook.

In the event that the vessel's ETRAWL system is not functional, all data is to be recorded in the Excel spreadsheet provided by NPFI and submitted to NPFI and AFMA within 48 hours of the end of each trip.

#### **OTHER OBLIGATIONS**

45. At all times when the boat nominated to this concession is being used under this concession, the holder must have provided to AFMA a current emergency contact facility for the nominated boat.
46. An emergency contact facility must enable AFMA to contact the boat nominated to this concession immediately and directly at any time when the boat is at sea, including in the event of an emergency.
47. 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 nominated to this concession 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.*