

NORTHERN PRAWN FISHERY GENERAL CONDITIONS 2023

Conditions applying to this Statutory Fishing Right

In addition to the conditions specified by sub section 22(3) of the *Fisheries Management Act 1991* (the Act), and the condition in sub section 42(2) to comply with any log book determination, the condition to comply with any Direction under section 41A 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 *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;
Section 23B	Election about holding gear statutory fishing rights; 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 61 - 65:	Catch limits for prawn fishery waters*
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

* not applicable to some concessions

AREA OF WATERS

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

AREA LIMITATION

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

GEAR LIMITATIONS

3. The holder must use prawn trawl nets that have a combined operational headrope and footrope length (except for the operational headrope and footrope length of a try-net) that is not greater than the combined operational headrope and footrope length that the gear statutory fishing rights nominated for the boat allow the holder to use.
4. The holder must ensure that nets, headropes and footropes are measured in metres (to 2 decimal places).

Note: If measurements are equal to or greater than 0.005m then the number must be rounded up. If measurements are less than 0.005m the number must be rounded down.

5. The holder must ensure the net is measured from the first hanging to the last hanging on the headrope. No net can extend beyond the limit of the first or last hanging of the net.

LANDING/DISPOSAL OBLIGATIONS

6. The holder must ensure that all bugs of the species *Thenus parindicus* and *Thenus australiensis* retained on board the nominated boat are kept whole.

OTHER OBLIGATIONS

7. The holder must ensure that relevant information about fish taken in the area of the Northern Prawn Fishery is accurately and fully recorded and submitted on a Seasonal Landing Return (SLR-T01) at the conclusion of the banana prawn season (1st season) and the tiger prawn season (2nd season) respectively. These forms must be submitted in accordance with the information and instructions provided by AFMA.
8. The holder must provide AFMA with a current emergency contact facility at all times when a nominated boat is being used under this concession.
9. 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.
10. 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

11. The holder accepts concurrent liability for all conduct by its servants or agents infringing the Act (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.

12. 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.
13. 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.
14. 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.
15. 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

16. The holder must comply with any Temporary Order made under subsection 43(2) of the 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.

DIRECTION OBLIGATIONS

17. The holder must comply with any Direction that fishing is not to be engaged in in the fishery, or a particular part of the fishery or during a particular period or periods made under subsection 41A of the Act.

NAVIGATING IN CLOSED ZONES

18. AFMA may suspend this concession in accordance with this condition, pursuant to section 38(1)(c) of the Act, if it reasonably appears by VMS transmission from the nominated boat, that

there is a failure by that boat while in a closed zone for the purposes of regulation 85 of the Regulations, to meet the exempting provisions of 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 section 38(2) and 38(3) of the Act; whichever is the earlier.

PRIOR TO BANANA SEASON ASSEMBLY AREAS

19. During the period commencing at 2200 UTC on 27 March 2023 and ending at 1400 UTC on 31 March 2023:
 - a. the area described in Schedule 1 can only be crossed using an area no further than 2nm from the dedicated steaming tracks defined in Schedule 3. The dedicated steaming tracks enable access to the assembly areas defined in Schedule 2.
 - b. the gear trial areas outlined in Schedule 21 Parts A-D of the *Fisheries Management (Northern Prawn Fishery Seasonal Closures) Direction 2021* may be accessed via the steaming tracks defined in Schedule 3. The West of Cape York gear trial area must be accessed via the shortest route from the Weipa north steaming track.
20. During the period commencing at 1400 UTC on 31 March 2023 and ending at 2200 hours UTC on 31 March 2023, the holder must remain seaward of the area described in Schedule 1 or be in an assembly area defined in Schedule 2. The dedicated steaming tracks defined in Schedule 3 are closed during this period.
21. After 1400 UTC on 31 March 2023, boats within an assembly area defined in Schedule 2 can have their boards on the booms with all nets in the water but they must be drawn up to the boat.
22. Vessels outside the area defined in Schedule 1 can un-rack their gear (with codends still onboard) at 2130 UTC on 31 March 2023.

Definitions

'boat' means a boat that is nominated on statutory fishing rights for the Northern Prawn Fishery.

'equipment' means equipment for fishing.

'footrope' for a prawn trawl net, means the rope to which the netting at the bottom of the net is attached at the mouth of the net.

'gear trial' means a test, or a series of short tests, of equipment on or towed by a boat and carried out under the following conditions:

- (a) the test is conducted in such a way as to avoid the capture of fish, primarily by keeping the cod end of nets fully open at all times; and
- (b) fish that are captured in the equipment during the test are returned to the sea as soon as practicable after it becomes apparent that the fish have been captured.

'headrope' for a prawn trawl net, means the rope to which the netting at the top of the net is attached at the mouth of the net.

'net' means a net used for trawling except a try-net.

'rack' means a structure on a boat (including a structure on, or forming a part of, the deck of the boat) designed specifically for carrying otter boards when the boards are not in use.

'UTC' means Coordinated Universal Time, the time scale based on the second (SI), maintained by the International Bureau of Weights and Measures. For the purposes of this Direction UTC is equivalent to mean solar time at the prime meridian (0 degrees longitude), formerly expressed in Greenwich Mean Time (GMT).

MANDATORY AFMA SUPPLIED VMS

Direction to Fit

23. When directed by AFMA in writing, the concession holder (or a person acting on the holder's behalf) must;
- d. 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
 - e. 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.
24. When directed by AFMA in writing, the concession holder (or a person acting on the holder's behalf) must;
- f. 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
 - g. provide all reasonable assistance to the AFMA approved technician.

Concession holder must not interfere with AFMA VMS Unit

25. 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

Must maintain VMS Unit	concession pursuant to section 38(1)(c) of the Act. 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.

HANDLING AND TREATMENT OF BYCATCH

26. 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;

- (a) death of, or
- (b) injury to, or
- (c) 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*.)

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;

- (a) to ensure the safety of the boat and or its crew, or
- (b) 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) FOR BROODSTOCK COLLECTION

27. When undertaking live broodstock collection, 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.

REQUIREMENT TO USE LOGBOOKS FOR SCAMPI FISHING WHEN EPRAWN E-LOG IS NOT FUNCTIONAL

28. When fishing north of Melville Island for scampi, in the event that the vessel's EPRAWN system is not functional, all data is to be recorded in the NWS04 logbook.

SCHEDULE 1

VMS Controlled Start

The area bounded by the line:

- (a) commencing at the intersection of the parallel of Latitude 11°45' South with the northern coastline of the mainland of Australia at mean low water, in the vicinity of the northern bank of Skardon River;
- (b) from there west along the parallel of Latitude 11°45' South to its intersection with the meridian of Longitude 141°27'36" East;
- (c) from there south westerly along the geodesic to the point of Latitude 12°13'12" South, Longitude 141°05' East;
- (d) from there south along the meridian of Longitude 141°05' East to its intersection with the parallel of Latitude 15°30' South;
- (e) from there south westerly along the geodesic to the point of Latitude 16°40' South, Longitude 140°40' East;
- (f) from there west along the parallel of Latitude 16°40' South to its intersection with the meridian of Longitude 140°09' East;
- (g) from there north along the meridian of Longitude 140°09' East to its intersection with the parallel of Latitude 15°50' South;
- (h) from there north westerly along the geodesic to the point of Latitude 15°00' South, Longitude 137°12' East;
- (i) from there north along the meridian of Longitude 137°12' East to its intersection with the parallel of Latitude 12°00' South;
- (j) from there north westerly along the geodesic to the point of Latitude 11°00' South, Longitude 136°46' East, in the vicinity of Cape Wessel;
- (k) from there west along the parallel of Latitude 11°00' South to its intersection with the meridian of Longitude 136°26' East;
- (l) from there south westerly along the geodesic to the point of Latitude 11°23' South, Longitude 135°43' East;
- (m) from there south westerly along the geodesic to the point of Latitude 11°30' South, Longitude 134°34' East;
- (n) from there north westerly along the geodesic to the point of Latitude 10°40' South, Longitude 132°50' East;
- (o) from there west along the parallel of Latitude 10°40' South to its intersection with the meridian of Longitude 132°30' East;
- (p) from there south westerly along the geodesic to the point of Latitude 10°50' South, Longitude 132°05' East;
- (q) from there west along the parallel of Latitude 10°50' South to its intersection with the meridian of Longitude 130°18' East;
- (r) from there south westerly along the geodesic to the point of Latitude 11°07' South, Longitude 129°48' East;
- (s) from there south along the meridian of Longitude 129°48' East to its intersection with the parallel

- of Latitude 11°50' South;
- (t) from there south easterly along the geodesic to the point of Latitude 12°15' South, Longitude 129°55' East;
 - (u) from there south along the meridian of Longitude 129°55' East to its intersection with the parallel of Latitude 12°37' South;
 - (v) from there south westerly along the geodesic to the point of Latitude 13°28'30" South, Longitude 127°39' East;
 - (w) then west along the parallel of Latitude 13°28'30" South to its intersection with the western boundary of the Northern Prawn Fishery;
 - (x) from there south along the western boundary of the Northern Prawn Fishery to its intersection with the coastline of the mainland of Australia at mean low water, in the vicinity of Cape Londonderry;
 - (y) from there then generally easterly along the coastline of the mainland of Australia at mean low water to the point of commencement.

SCHEDULE 2

Assembly Areas

Part A - Weipa assembly area

The areas of proclaimed waters contained within the area bounded by the line:

- (a) commencing at the intersection of the parallel of Latitude 12°40' South with the northern coastline of the mainland of Australia at mean low water, in the vicinity of Gonbung Point (Evans Point);
- (b) from there west along the parallel of Latitude 12°40' South to its intersection with the meridian of Longitude 141°43'18" East;
- (c) from there south along the meridian of Longitude 141°43'18" East to its intersection with the parallel of Latitude 12°43'12" South;
- (d) from there east along the parallel of Latitude 12°43'12" South to its intersection with the northern coastline of the mainland of Australia on Cape York Peninsula at mean low water;
- (e) from there generally northerly, south easterly and north westerly along the coastline of the mainland of Australia at mean low water to the point of commencement.

Part B - Karumba assembly area

The area of proclaimed waters contained within the area bounded by the line:

- (a) commencing at the intersection of the meridian of Longitude 140°40' East with the northern coastline of the mainland of Australia at mean low water;
- (b) from there north along the meridian of Longitude 140°40' East to its intersection with the parallel of Latitude 17°21' South;
- (c) from there east along the parallel of Latitude 17°21' South to its intersection with the northern coastline of the mainland of Australia at mean low water;
- (d) from there generally south-westerly along the coastline of the mainland of Australia at mean low water to the point of commencement.

Part C - Darwin assembly area

The area of waters known as Darwin Harbour Waters within the area bounded by the line:

- (a) commencing on the westernmost point of East Point at mean low water, in the vicinity of point of Latitude 12°24'27" South, Longitude 130°48'56" East;
- (b) from there south westerly along the geodesic to the north easternmost point of West Point at mean low water, in the vicinity of point of Latitude 12°26'16" South, 130°45'54" East;

- (c) from there generally south easterly and north westerly along the coastline of the mainland of Australia at mean low water to the point of commencement.

Part D - Gove assembly area

The area of waters known as Gove Harbour within the area bounded by the line:

- (a) commencing at the northernmost point of Wargarpunda Point at mean low water, in the vicinity of point of Latitude 12°10'58" South, Longitude 136°41'03" East;
- (b) from there south westerly along the geodesic to the easternmost point of Shepherd Bluff at mean low water, in the vicinity of point of Latitude 12°11'53" South, Longitude 136°36'03" East;
- (c) from there generally south easterly, north easterly and north westerly along the coastline of the mainland of Australia at mean low water to the point of commencement.

SCHEDULE 3

Designated Steaming Tracks

Darwin - west

- (a) commencing at the point of Latitude 12°18'30" South, Longitude 129°55' East;
- (b) from there north easterly along the geodesic to the point of Latitude 12°15' South, Longitude 130°20' East;
- (c) from there south easterly along the geodesic to the point of Latitude 12°20'12" South, Longitude 130°41'48" East, in the vicinity of the fairway buoy at the entry to the Port of Darwin.

Darwin - east 1

- (a) commencing at the point of Latitude 12°20'12" South, Longitude 130°41'48" East, in the vicinity of the fairway buoy at the entry to the Port of Darwin;
- (b) from there northerly along the geodesic to the point of Latitude 12°19' South, Longitude 130°41'54" East;
- (c) from there easterly along the geodesic to the point of Latitude 12°04'36" South, Longitude 130°55'54" East;
- (d) from there easterly along the geodesic to the point of Latitude 12°04'42" South, Longitude 131°01'06" East;
- (e) from there easterly along the geodesic to the point of Latitude 12°05'30" South, Longitude 131°08' East;
- (f) from there easterly along the geodesic to the point of Latitude 12°04'48" South, Longitude 131°11'24" East;
- (g) from there north easterly along the geodesic to the point of Latitude 11°53' South, Longitude 131°21'30" East;
- (h) from there easterly along the geodesic to the point of Latitude 11°53'18" South, Longitude 131°33' East;
- (i) from there north easterly along the geodesic to the point of Latitude 11°39'48" South, Longitude 131°37'36" East;
- (j) from there north easterly along the geodesic to the point of Latitude 11°11'12" South, Longitude 131°42'06" East;
- (k) from there north easterly along the geodesic to the point of Latitude 10°50' South, Longitude 132°05' East.

Darwin - east 2

- (a) commencing at the point of Latitude 12°04'36" South, Longitude 130°55'54" East;
- (b) from there following north channel through Vernon Islands in a north easterly direction to the point Latitude 11°55' South, Longitude 131°11' East;
- (c) from there north easterly along the geodesic to the point of Latitude 11°42'55" South, Longitude 131°23'45" East;
- (d) from there north easterly along the geodesic to join steaming track 'Darwin east 1', in the vicinity of point of Latitude 11°39'48" South, Longitude 131°37'36" East;

Gove

- (a) commencing at the point of Latitude 11°42'44" South, Longitude 136°53'44" East;
- (b) from there along the geodesic to the point of Latitude 12°11'13" South, Longitude 136°39'12" East, in the vicinity of the entry to Gove Harbour.

Karumba

- (a) commencing at the point of Latitude 16°30' South, Longitude 140°30' East;
- (b) from there south along the meridian of Longitude 140°30' East to its intersection with the parallel of Latitude 16°35'26" South;
- (c) from there south easterly along the geodesic to the point of Latitude 17°25'30" South, Longitude 140°43' East, in the vicinity of the entry to the Port of Karumba.

Weipa - north

- (a) commencing at the point of Latitude 11°45' South, Longitude 141°27'36" East;
- (b) from there south-westerly along the geodesic to the Weipa north-west designated steaming track, in the vicinity of point of Latitude 12°35'05" South, Longitude 141°32'18" East.

Weipa - north-west

- (a) commencing at the point of Latitude 12°00' South, Longitude 141°05' East;
- (b) from there south easterly along the geodesic to the point of Latitude 12°42' South, Longitude 141°37'42" East;
- (c) from there easterly along the parallel of Latitude 12°42' South to its intersection with the meridian of Longitude 141°40'18" East, in the vicinity of the entry to the Port of Weipa.

Weipa - west

- (a) commencing at the point of Latitude 12°42' South, Longitude 141°37'42" East;
- (b) from there west along the parallel of Latitude 12°42' South to its intersection with the meridian of Longitude 141°05'.