

NORTHERN PRAWN FISHERY CARRIER BOAT CONDITIONS 2023

Conditions applying to this Fishing Permit

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 logbook determination, 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 14A titled Who may receive, carry or process fish; and
Section 23A titled Obligations on holders of fishing permits.

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 40: Concession holder to ensure provision for observer and equipment
Regulation 41: Concession holder to ensure observer is able to perform functions
Regulation 43(1): Fish to be disposed of to fish receiver permit holder*
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.

PURPOSES LIMITATIONS

3. This concession allows the carrying of fish that have been taken in accordance with the Plan with the use of another boat.
4. The holder must ensure that all fish are packaged and frozen before being received on board the boat nominated to this concession.
5. The holder must not transfer this concession.

TAKING/CARRYING OF SHARK OBLIGATIONS

6. 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

7. The holder must:
 - a. Supply AFMA with the name and date of each Northern Prawn Fishing boat that comes alongside (rafting) during a trip, and details of any impediment to transfer of goods or documentation; and
 - b. Return any collected logsheets and the above information to AFMA within 7 days of each carrier boat trip end.
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 *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.
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.

TEMPORARY ORDER OBLIGATIONS

15. 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

16. 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 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 section 38(2) and 38(3) of the Act; whichever is the earlier.

MANDATORY AFMA SUPPLIED VMS

Direction to Fit

17. 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.
18. When directed by AFMA in writing, the concession holder (or a person acting on the holder's behalf) must;
 - c. 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

- d. provide all reasonable assistance to the AFMA approved technician.

Concession holder must not interfere with AFMA VMS Unit

19. 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.