

EXPOSURE DRAFT



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Northern Prawn Fishery Management Amendment (2023 Measures No. 1) Plan 2023

The Australian Fisheries Management Authority makes the following plan.

Dated 2023

Wes Norris [**DRAFT ONLY—NOT FOR SIGNATURE**]
Chief Executive Officer
for the Commissioners of the Australian Fisheries Management Authority

Accepted 2023

Murray Watt [**DRAFT ONLY—NOT FOR SIGNATURE**]
Minister for Agriculture, Fisheries and Forestry

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1 Name

This instrument is the *Northern Prawn Fishery Management Amendment (2023 Measures No. 1) Plan 2023*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 20 of the *Fisheries Management Act 1991*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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Schedule 1 Amendments

Schedule 1—Amendments

Northern Prawn Fishery Management Plan 1995

1 Section 3 (after the heading)

Insert:

- Note: A number of expressions used in this instrument are defined in the Act, including the following:
- (a) AFMA;
 - (b) Australian fishing zone;
 - (c) fish;
 - (d) officer;
 - (e) Register;
 - (f) statutory fishing right.

2 Section 3 (definition of *active Class B statutory fishing right*)

Repeal the definition.

3 Section 3 (definition of *agent*)

After “statutory fishing right”, insert “for the Northern Prawn Fishery”.

4 Section 3

Insert:

boat statutory fishing right means a statutory fishing right described in section 11.

5 Section 3 (definition of *by-catch action plan*)

Repeal the definition.

6 Section 3

Insert:

bycatch strategy means a strategy to reduce the incidental catch of non-target commercial and other species in the Northern Prawn Fishery area to a minimum.

7 Section 3

Repeal the following definitions:

- (a) definition of *certificate*;
- (b) definition of *Class B statutory fishing right*;
- (c) definition of *eligible person*.

8 Section 3 (definition of *Northern Prawn Fishery*)

Repeal the definition, substitute:

Northern Prawn Fishery means commercial fishing in the Northern Prawn Fishery area for any of the following:

- (a) any species of prawns (including penaeid and carid prawns);
- (b) scampi;

- (c) bugs;
- (d) scallops;
- (e) any species of squid, only if using a prawn trawl apparatus.

9 Section 3 (definitions of *old Class A statutory fishing right* and *old suspense Class A statutory fishing right*)

Repeal the definitions.

10 Section 3

Insert:

otter board means a board or plate used on a fishing net which, when the net is being towed, keeps the mouth of the net open.

quad trawl net configuration means the use of 4 prawn trawl nets designed or intended to be towed simultaneously by a boat and having the mouth or opening of each net being controlled by the use of otter boards.

11 Section 3

Repeal the following definitions:

- (a) definition of *statutory fishing right*;
- (b) definition of *surplus Class B statutory fishing right*;
- (c) definition of *top up statutory fishing right*.

12 Section 3

Insert:

triple trawl net configuration means the use of 3 prawn trawl nets designed or intended to be towed simultaneously by a boat and having the mouth or opening of each net being controlled by the use of otter boards.

twin tongue trawl net configuration means the use of 2 prawn trawl nets designed or intended to be towed simultaneously by a boat and having the mouth or opening of each net being controlled by otter boards and at least one bridle extending from each warp wire to the centre or “tongue” of the headrope of each net.

twin trawl net configuration means the use of 2 prawn trawl nets designed or intended to be towed simultaneously by a boat and having the mouth or opening of each net being controlled by the use of otter boards.

13 Section 3 (note)

Repeal the note.

14 Section 3A

Repeal the section.

15 Section 4

Omit all the words after “this Plan are”, substitute “the same as the objectives set out in section 3 of the Act.”.

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Schedule 1 Amendments

16 Paragraph 5(a)

Omit “(including directions referred to in subsection 17 (5A) of the Act)”.

17 After paragraph 5(a)

Insert:

- (aa) developing and implementing a harvest strategy for the Northern Prawn Fishery; and

18 Paragraph 5(c)

After “promoting”, insert “and delivering”.

19 After paragraph 5(e)

Insert:

- (ea) developing and implementing a data collection and usage strategy for the Northern Prawn Fishery; and

20 Paragraph 5(f)

After “collecting”, inserting “and validating”.

21 Paragraph 5(g)

Repeal the paragraph, substitute:

- (g) monitoring and analysing the impact of catching operations in the fishery on ecologically related species and the marine environment in the Northern Prawn Fishery area, and implementing any practical measures that are necessary to minimise the impact of those operations on those species and that environment; and

22 Paragraph 5(h)

Omit “by-catch action plan”, substitute “bycatch strategy”.

23 Section 7

Repeal the section, substitute:

7 Gear statutory fishing rights

- (1) A gear statutory fishing right is a right to use prawn trawl nets in the Northern Prawn Fishery, in a twin, twin tongue, triple or quad trawl net configuration, with an operational headrope length and operational footrope length (measured when the rope is taut) calculated in accordance with this section.
- (2) If a determination is in force under section 7A, the operational headrope length per gear statutory fishing right, for fishing using a particular net configuration, is calculated by dividing the total length of operational headrope specified in the determination for that net configuration by 35,479.
- (3) If no determination is in force under section 7A, the operational headrope length per gear statutory fishing right is:
 - (a) for fishing using a twin trawl net configuration—9 centimetres; or
 - (b) for fishing using a twin tongue trawl net configuration, triple trawl net configuration or quad trawl net configuration—8.1 centimetres.

-
- (4) The operational footrope length per gear statutory fishing right is the operational headrope length worked out under subsection (2) or (3) multiplied by 1.15.

24 Subsection 7A(1) (note)

Omit “a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*”, substitute “a legislative instrument”.

25 Section 8

Repeal the section, substitute:

8 Boat may be nominated in relation to gear statutory fishing rights

- (1) The holder of a gear statutory fishing right may, but is not required to, nominate a boat in relation to the gear statutory fishing right.

Note: A boat must be nominated for a person to be permitted to fish in the Northern Prawn Fishery: see section 14.

- (2) The holder may make or change a nomination by written notice to AFMA.

26 Sections 11 to 13

Repeal the sections, substitute:

11 Boat statutory fishing rights

A boat statutory fishing right is a right to use a nominated trawl boat in the Northern Prawn Fishery.

27 Section 14

Repeal the section, substitute:

14 Who may fish in the Northern Prawn Fishery?

- (1) A person may fish in the Northern Prawn Fishery if:
- (a) the person is, or is acting for, the holder of a boat statutory fishing right; and
 - (b) the person is using a trawl boat nominated for the boat statutory fishing right; and
 - (c) the boat is also nominated for at least 1 gear statutory fishing right; and
 - (d) the person is using prawn trawl nets that, in combination (except for a try net), have an operational headrope length and operational footrope length that is not greater than the operational headrope length and operational footrope length that the gear statutory fishing rights the boat is nominated for allow the person to use.
- (2) A person may fish in the Northern Prawn Fishery if:
- (a) the person is, or is acting for, the holder of a fishing permit for collecting broodstock from the Northern Prawn Fishery area; and
 - (b) the permit authorises the holder to engage in commercial fishing in the Northern Prawn Fishery area; and
 - (c) the boat the person is using is nominated for at least 1 gear statutory fishing right; and

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Schedule 1 Amendments

- (d) the person is using prawn trawl nets that, in combination (except for a try net), have an operational headrope length and operational footrope length that is not greater than the operational headrope length and operational footrope length that the gear statutory fishing rights the boat is nominated for allow the person to use.

28 Paragraph 14A(b)

Omit “a Class B statutory fishing right for which a boat is nominated”, substitute “a boat statutory fishing right”.

29 Paragraph 15(a)

Omit “53,844”, substitute “35,479”.

30 Paragraph 15(b)

Omit “132 Class B”, substitute “52 boat”.

31 Subsection 16(1)

Repeal the subsection, substitute:

- (1) In this section:

notice period, for a kind of statutory fishing right for the Northern Prawn Fishery, means the period specified in a notice published in relation to statutory fishing rights of that kind under section 24 of the Act.

32 Subsection 16(2)

Omit “owner of an old Class A statutory fishing right immediately before the end of the period stated in the notice”, substitute “holder of a gear statutory fishing right immediately before the end of the notice period”.

33 Subsection 16(2) (note)

Repeal the note.

34 Subsection 16(3)

Repeal the subsection (not including the note).

35 Section 16A (heading)

Repeal the heading, substitute:

16A Grants of statutory fishing rights

36 Subsection 16A(1)

Omit “right,”, substitute “right for the Northern Prawn Fishery,”.

37 Subsection 16A(1)

Omit “make a provisional grant of the fishing right”, substitute “make a grant of the fishing right available”.

38 Subsection 16A(2)

Omit “provisional grant”, substitute “available grant”.

39 Subsection 16A(2)

Omit “each old Class A statutory fishing right owned by the person”, substitute “each gear statutory fishing right held by the person”.

40 Subsection 16A(3)

Repeal the subsection.

41 Sections 16B to 17B

Repeal the sections.

42 Section 17C

Omit “right.”, substitute “right for the Northern Prawn Fishery.”.

43 Subsection 22(1)

After “holder of a statutory fishing right”, insert “for the Northern Prawn Fishery”.

44 Paragraph 22(1)(ea)

Repeal the paragraph, substitute:

(ea) comply with any bycatch strategy; and

45 Paragraph 22(1)(g)

Omit “nominated on the holder’s certificate of a Class B statutory fishing right”, substitute “nominated for the holder’s boat statutory fishing right”.

46 Paragraph 22(1)(g)

Omit “boat’s class B”, substitute “boat”.

47 Subsection 22(2)

Omit “or top up” (wherever occurring).

48 Subsection 22(5)

Repeal the subsection (not including the note).

49 Subsection 23A(1)

Repeal the subsection.

50 Subsection 23A(2)

Omit “(2)”.

51 Sections 23B to 24A

Repeal the sections.

52 Sections 29 and 30

Repeal the sections.

53 Subsection 32(1)

After “a statutory fishing right”, insert “for the Northern Prawn Fishery”.

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Schedule 1 Amendments

54 Sections 33 to 35

Repeal the sections, substitute:

33 Notices

- (1) A notice required or permitted by this Plan to be given in writing to a holder of a statutory fishing right must be sent to the holder using one of the contact particulars (such as postal address or email address) stated for the holder in the Register.
- (2) A notice required or permitted by this Plan to be given in writing to AFMA must be addressed to the Manager, Licensing and Quota Management, Australian Fisheries Management Authority, and:
 - (a) delivered to any of the offices of AFMA; or
 - (b) posted to:

Box 7051
Canberra BC
Canberra ACT 2610; or
 - (c) sent by email to licensing@afma.gov.au.

34 Transitional—statutory fishing rights

- (1) In this section:

amending instrument means the *Northern Prawn Fishery Management Amendment (2023 Measures No. 1) Plan 2023*.

old Plan means this Plan as in force immediately before its amendment by the amending instrument.
- (2) A Class B statutory fishing right, within the meaning of the old Plan, is taken on and after the commencement of the amending instrument to be a boat statutory fishing right.
- (3) If, immediately before the commencement of the amending instrument, a gear statutory fishing right was held in relation to a Class B statutory fishing right, the boat nominated for the Class B statutory right under the old Plan is taken, on and after the commencement of the amending instrument, to be the boat nominated in relation to the gear statutory fishing right.
- (4) The repeal and substitution of section 7 of this Plan by the amending instrument does not otherwise affect any interest in a gear statutory fishing right that exists immediately before the commencement of the amending instrument.