

NORTHERN PRAWN FISHERY GENERAL CONDITIONS 2019

AREA OF WATERS

1. This concession is granted for the area of waters specified in Schedule 1 of the *Northern Prawn Fishery Management Plan 1995*.

Conditions applying to this Statutory Fishing Right

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 log book determination, the condition to comply with any Direction under s41A 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* 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 s42B(2) of the Act, Regulations may prescribe conditions that apply to fishing concessions. Regulations have been prescribed in the *Fisheries Management Regulations 1992* providing conditions that apply to this fishing concession in particular:

Regulation 9AB:	Nominated boat must be used on trip
Regulation 9B:	Nomination of boats to certain fishing concessions
Regulation 9BA:	Revocation of nomination of boats to fishing concessions
Regulation 9D:	Concession holder to ensure that vessel monitoring system is operational
Regulation 9F:	Concession holder to ensure provision for observer and equipment to be carried
Regulation 9G:	Concession holder to ensure observer enabled to perform functions
Regulation 9I:	Fish to be disposed of to fish receiver permit holder*
Regulation 9J - 9ZL:	Catch limits*
Regulation 9ZO:	Prohibited ways of processing fish
Regulation 9ZP:	Removal of shark liver
Regulation 9ZS:	No interaction with protected organism
Regulation 9ZT:	Recording and reporting interaction with protected organism
Regulation 9ZU:	Reporting interaction with protected organism if protected organism injured
Regulation 9ZV:	Reporting interaction with protected organism if protected organism killed

* not applicable to some concessions

AREA LIMITATION

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

GEAR LIMITATIONS

2. 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
3. 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.

4. 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

5. 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

6. 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.
7. 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.
8. 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.
9. 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 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.

AGENT OBLIGATIONS

10. 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.
11. 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.
12. 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.

13. 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

14. 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.

DIRECTION OBLIGATIONS

15. 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 sub section 41A of the *Fisheries Management Act 1991*.

NAVIGATING IN CLOSED ZONES

16. AFMA may suspend this concession in accordance with this condition, pursuant to section 38(1)(c) of the *Fisheries Management Act 1991*, 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 37B of the *Fisheries Management Regulations 1992*, to meet the exempting provisions of sub regulations 37C(2), or (3) or sub regulation 37D(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.

PRIOR TO BANANA SEASON ASSEMBLY AREAS

17. During the period commencing at 1400 UTC on 31 March 2019 and ending at 2200 hours UTC on 31 March 2019, the holder must remain seaward of the area described in Schedule 1 or be in an assembly area defined in Schedule 2. Assembly areas are accessible via the dedicated steaming tracks defined in Schedule 3.
18. After 1400 UTC on 31 March 2019, 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.
19. Vessels outside the area defined in Schedule 1 can un-rack their gear (with codends still onboard) at 2130 UTC on 31 March 2019.

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; and

"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

20. Direction to Fit

1. 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.
2. 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

3. 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 For the purposes of these conditions 'interfere' includes, but is not limited to;

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

Notes

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 Fisheries Management Act 1991.

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 9D of the Fisheries Management Regulations 1992.

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.

21. HANDLING AND TREATMENT OF BYCATCH

- 1) 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;

- 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** includes listed protected

species under the *Environment Protection and Biodiversity Conservation Act 1999*.)

Notes: 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.).

SCHEDULE 1

VMS Controlled Start

The area bounded by the line:

- (a) commencing at the intersection of the parallel of Latitude $11^{\circ} 45'$ 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 $11^{\circ} 45'$ South to its intersection with the meridian of Longitude $141^{\circ} 27' 36''$ East;
- (c) from there south westerly along the geodesic to the point of Latitude $12^{\circ} 13' 12''$ South, Longitude $141^{\circ} 05'$ East;
- (d) from there south along the meridian of Longitude $141^{\circ} 05'$ East to its intersection with the parallel of Latitude $15^{\circ} 30'$ South;
- (e) from there south westerly along the geodesic to the point of Latitude $16^{\circ} 40'$ South, Longitude $140^{\circ} 40'$ East;
- (f) from there west along the parallel of Latitude $16^{\circ} 40'$ South to its intersection with the meridian of Longitude $140^{\circ} 09'$ East;
- (g) from there north along the meridian of Longitude $140^{\circ} 09'$ East to its intersection with the parallel of Latitude $15^{\circ} 50'$ South;
- (h) from there north westerly along the geodesic to the point of Latitude $15^{\circ} 00'$ South, Longitude $137^{\circ} 12'$ East;
- (i) from there north along the meridian of Longitude $137^{\circ} 12'$ East to its intersection with the parallel of Latitude $12^{\circ} 00'$ South;
- (j) from there north westerly along the geodesic to the point of Latitude $11^{\circ} 00'$ South, Longitude $136^{\circ} 46'$ East, in the vicinity of Cape Wessel;
- (k) from there west along the parallel of Latitude $11^{\circ} 00'$ South to its intersection with the meridian of Longitude $136^{\circ} 26'$ East;
- (l) from there south westerly along the geodesic to the point of Latitude $11^{\circ} 23'$ South, Longitude $135^{\circ} 43'$ East;
- (m) from there south westerly along the geodesic to the point of Latitude $11^{\circ} 30'$ South, Longitude $134^{\circ} 34'$ East;
- (n) from there north westerly along the geodesic to the point of Latitude $10^{\circ} 40'$ South, Longitude $132^{\circ} 50'$ East;
- (o) from there west along the parallel of Latitude $10^{\circ} 40'$ South to its intersection with the meridian of Longitude $132^{\circ} 30'$ East;
- (p) from there south westerly along the geodesic to the point of Latitude $10^{\circ} 50'$ South, Longitude $132^{\circ} 05'$ East;
- (q) from there west along the parallel of Latitude $10^{\circ} 50'$ 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'.