I, Glenn Hurry, Chief Executive Officer of the Australian Fisheries Management Authority, as delegate pursuant to Delegation 78 of 2008 of powers conferred upon AFMA under the Plan of Management in accordance with s17(5A), make the following Direction under sub-section 25(1) of the Northern Prawn Fishery Management Plan 1995.

Date 30 March 2009

GLENN HURRY

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Chief Executive Officer
Australian Fisheries Management Authority

Citation
1. This Direction may be cited as NPF Direction No. 124.

Commencement
2. This Direction commences on the day after it is registered on the Federal Register of Legislative Instruments.

Application
3. This Direction applies to a holder of statutory fishing rights in the Northern Prawn Fishery and to a person acting on behalf of the holder, when fishing in the Northern Prawn Fishery area.

Period of Application
4. This Direction applies for a period beginning on the date this Direction commences and ending on 31 December 2010.

Interpretation
5.1 In this Direction:

"boat" means a boat that is nominated on statutory fishing rights for the Northern Prawn Fishery;

"fishing" means the commercial fishing activities that are referred to in section 14 of the Northern Prawn Fishery Management Plan 1995;

"equipment" means equipment for fishing;

"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.

"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).

5.2 A term used in this Direction that is defined for the purposes of the Northern Prawn Fishery Management Plan 1995 has the same meaning in this Direction as it has in that plan.

[Notes: 1. Terms defined in the Fisheries Management Act 1991 have the same meanings in this determination.

2. Terms defined in the Northern Prawn Fishery Management Plan 1995 include "Northern Prawn Fishery" and "Northern Prawn Fishery area". ]

5.3 The origin of geographical coordinates used in this Direction is the Australian Geodetic Datum 1966 (AGD66).

Prohibition on fishing other than gear trials

6.1 No fishing is to be engaged in the areas described in Divisions A, B and C of the Schedule, prior to 2200 UTC 6 April, other than for the purposes of carrying out a gear trial in accordance with this Direction.

6.2 A gear trial mentioned in subsection 6.1 may be carried out only during the period commencing at 2200 hours UTC on 24 March and ending at 2200 hours UTC on 5 April; and

6.3 A gear trial carried out in an area described in Division A or B of the Schedule may only be carried out by a person:

(a) whose boat is berthed in Karumba at 2200 hours UTC on 24 March; and

(b) who for the purposes of carrying out a gear trial, navigates the boat directly from Karumba to, or to Karumba from, either of the areas described in Division A and Division B of the Schedule.

Prohibition on gear trials and its application

7.1 A gear trial mentioned in section 6 is prohibited from being carried out unless notification of the intention to carry out a gear trial is made in accordance with this section.

7.2 That not less than 24 hours before commencing a gear trial in:

(a) an area described in Divisions C of the Schedule - the person conducting the gear trial, or another person on the boat, must notify the Regional Duty Officer, AFMA Darwin in accordance with a method described in subsections 7.3 and 7.5; or

(b) an area described in Division A or Division B of the Schedule - the person conducting the gear trial, or another person on the boat, must notify the District Manager at Cairns in accordance with a method described in subsections 7.4 and 7.5;

that the boat will be used to carry out the gear trial in the area.
7.3 A notice to the Regional Duty Officer, AFMA Darwin must be given either:
   (a) by mail to PO Box 131, Darwin 0801; or
   (b) by fax to (08) 8942 2897; or
   (c) by telephone to 0428 196 114; or
   (d) in person.

7.4 A notice to the District Manager, Queensland Boating & Fisheries Patrol at Cairns must be given either:
   (a) by mail to PO Box 7453 CAIRNS QLD 4870; or
   (b) by fax to (07) 4035 1603; or
   (c) by telephone to (07) 40350700; or 0417 782217 or
   (d) in person.

7.5 An exemption approval from the Senior Sergeant – Marine Enforcement NT Police in Darwin or District Manager, Queensland Boating & Fisheries Patrol in Cairns must be notified to the person giving notice in writing and must be:
   (a) posted to an address; or
   (b) transmitted to a fax number;
   nominated by the person giving the notice.

To whom do the prohibitions in sections 6 and 7 not apply?

8. The prohibitions in sections 6 and 7 do not apply to a person if the person is fishing in accordance with another plan of management in force under the Act, or a law of a State or Territory that is in force in relation to the Northern Prawn Fishery area.

Revocation of Direction No. NPFD 120

9. This Direction revokes NPF Direction No. 120 with effect from the date of this Direction.
THE SCHEDULE
GEAR TRIAL AREAS

Division A - Karumba southern gear trial area

The area bounded by the line:
(a) commencing at the point of Latitude 17°20' South, Longitude 140°35' East;
(b) then running north along the meridian of Longitude 140°35' East to its intersection with the parallel of Latitude 17°15' South;
(c) then east along that parallel to its intersection with the meridian of Longitude 140°45' East;
(d) then south along that meridian to its intersection with the parallel of Latitude 17°20' South; and
(e) then west along that parallel to the point of commencement.

Division B - Karumba northern gear trial area

The area bounded by the line:
(a) commencing at the point of Latitude 16°35' South, Longitude 140°25' East;
(b) running then north along the meridian of Longitude 140°25' East to its intersection with the parallel of Latitude 16°30' South;
(c) then east along that parallel to its intersection with the meridian of Longitude 140°30' East;
(d) then south along that meridian to its intersection with the parallel of Latitude 16°35' South; and
(e) then west along that parallel to the point of commencement.

Division C - Darwin gear trial area

The area bounded by the line:
(a) commencing at the point of Latitude 12°20' South and Longitude 130°36' East,
(b) then running north along that meridian of Longitude 130°36' East to its intersection with the parallel of Latitude 12°15' South;
(c) then east along that parallel to its intersection with the meridian Longitude 130°41' East;
(d) then south along that meridian to the intersection with the parallel of Latitude 12°20' South, and
(e) then west along that parallel to the point of commencement.