

**FISHERIES MANAGEMENT ACT 1991
NORTHERN PRAWN FISHERY MANAGEMENT PLAN 1995**

**NPF DIRECTION No. 126
(revoking NPF Direction No.114)
PROHIBITION ON FISHING
(PRIOR TO SEASONS)**

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

Chief Executive Officer
Australian Fisheries Management Authority

Citation

1. This Direction may be cited as NPF Direction No. 126.

Commencement

2. This Direction commences 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;

"**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.

"**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;

"**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).

- 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 Direction. 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

- 6.** A person is prohibited from fishing in:
- (a) the areas described in Schedule 1 during the period commencing at 2200 hours UTC on 28 November and ending at 2200 hours UTC on 2 April in the following year; and
 - (b) the area described in Schedule 2, other than the sub areas within that area that are described in Schedules 3 and 5, during a period commencing at 2200 hours UTC on 15 March in any year and ending at 1400 UTC 6 April; and
 - (c) the area described in Schedule 2, except for the areas described in Schedule 3, during the period in any year commencing at 1400 UTC on 6 April and ending at 2200 hours UTC on 6 April.

Prohibition on equipment

- 7.1** A person in the areas described in Schedule 2 and Schedule 3 and Schedule 5 is prohibited from having in that person's possession or in that person's charge boat equipment of the kind described in subsection 7.2, during the period commencing at 2200 hours UTC on 28 November in any year and ending at 2200 hours UTC on 6 April in the following year;
- 7.2** The equipment referred to in subsection 7.1 is equipment that is:
- (a) capable of being used for any kind of trawling; or
 - (b) capable of being used for taking the fish that can be fished for under a statutory fishing right for the Northern Prawn Fishery.

To whom does the prohibition on fishing not apply?

- 8.1** The prohibition in clause 6 does not apply to a person in the area of the fishery during the period commencing at 2130 hours UTC 6 April and ending at 2200 hours UTC 6 April, if the person carries the equipment out of the water or, if any part of the equipment is in the water:
- (a) that part is drawn up to the boat; and
 - (b) that part is visible from a nearby aircraft or boat; and
 - (c) if the equipment includes cod ends - the cod ends are open; and

- (d) if the equipment includes lazy lines and blocks - the lazy lines are on the blocks; or

8.2 The prohibition in clause 6 does not apply to a person who:

- (a) carries out a gear trial in accordance with Direction No. NPDF 124; or
- (b) before entering the area described in Schedule 1 during the period commencing at 2200 hours UTC on 28 November in any year and ending at 2200 hours UTC on 6 April in the following year, applies for and receives an exemption from AFMA in accordance with Schedule 4.; or
- (c) is within an area described as an exempt designated steaming track in Schedule 5, commencing at 2200 hours UTC on 24 March in any year and ending at 1400 UTC on 6 April and carries the equipment inboard on the boat with any boards, beams and skids that are part of the equipment stowed in a rack or on the deck; or
- (d) is within the area described in Schedule 2, during the period commencing at 1400 UTC on 6 April and ending at 2200 hours UTC on 6 April applies to AFMA and receives a written confirmation from AFMA for an exemption in accordance with Schedule 6.

To whom does the prohibition on equipment not apply?

9.1 The prohibition in clause 7 does not apply to a person if the person:

- (a) carries the equipment inboard on the boat and any boards, beams and skids that are part of the equipment are stowed in a rack or on the deck; or
- (b) is carrying out a gear trial in accordance with Direction No. NPDF 124.

9.2 The prohibition in clause 7 does not apply to a person in an area described in Schedule 3 during the period commencing at 1400 UTC on 6 April and ending at 2200 hours UTC on 6 April if the person carries the equipment out of the water or, if any part of the equipment is in the water:

- (a) that part is drawn up to the boat; and
- (b) that part is visible from a nearby aircraft or boat; and
- (a) if the equipment includes cod ends - the cod ends are open; and
- (b) if the equipment includes lazy lines and blocks - the lazy lines are on the blocks.

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

10. The prohibitions in both of clauses 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. NPDF 114

11. This Direction revokes NPF Direction No. 114 with effect from the date of this Direction.

SCHEDULE 1

Gulf of Carpentaria

The area bounded by the line:

- (a) commencing at the intersection of the parallel of Latitude 12°20.9' South with the meridian of Longitude 136°58.5' East;
- (b) then running north along that meridian to its intersection with the parallel of Latitude 12° South;
- (c) then east along that parallel to its intersection with the mainland of Australia in the vicinity of Port Musgrave;
- (d) then along the mainland shore of the Gulf of Carpentaria at low-water to the point of commencement.

SCHEDULE 2

VMS Controlled Start

The area bounded by the line:

- (a) commencing at the intersection of the northern shore of the mainland of Australia by the parallel of Latitude 11° 45'South in the vicinity of Kerr Reef;
- (b) then running west along the parallel of Latitude 11° 45'South to the meridian of Longitude 141° 27.6' East;
- (c) then running south westerly along the geodesic to the point of Latitude 12° 13.2 South, 141° 05' East;
- (d) then running south along the meridian to its intersection with the Latitude 15°30' South;
- (e) then running south westerly to the point of Latitude 16°40' South and Longitude 140°40' East;
- (f) then running west along the parallel to the intersection of the point of Latitude 16°40 South and 140°09' East;
- (g) then running north along the meridian to the intersection with the point of Latitude 15°50' South;
- (h) then running north westerly to the point of Latitude 15°00' South and 137°12' East; then north along the meridian to the intersection with Latitude 12°00' South;
- (i) then north westerly to the intersection with the point of Latitude 11°00' South and Longitude 136°46' East in the vicinity of Cape Wessel;
- (j) then west along the parallel to the intersection with Longitude 136°26' East;
- (k) then south westerly to the intersection with the point Latitude 11°23' South and Longitude 135°43' East;
- (l) then south westerly to the intersection with the point Latitude 11°30' South and Longitude 134°34' East;
- (m) then north westerly to the intersection with the point Latitude 10°40' South and Longitude 132°50' East;
- (n) then west along that parallel to the intersection with the meridian of Longitude 132°30' East;
- (o) then south westerly to the intersection with the point Latitude 10°50' South and Longitude 132°05' East;
- (p) then west along the parallel to the intersection with Longitude 130°18' East;
- (q) then south westerly to the intersection with the point of Latitude 11°07' South and Longitude 129°48' East;
- (r) then south along the meridian to its intersection with the parallel of Latitude 11°50' South;
- (s) then south easterly to the intersection with the point Latitude 12°15' South and Longitude 129°55' East;
- (t) then south along the meridian to the intersection with the parallel of Latitude 12°37' South;
- (u) then south westerly to the intersection with the point Latitude 13°28.5' South and Longitude 127° 39' East;
- (v) then west along that parallel to the intersection with Longitude 126°58' East;
- (w) then south along that meridian to its intersection with Latitude 13°44' South in the vicinity of Cape Londonderry;
- (x) then generally easterly along the shore at low water mark to the point of commencement.

SCHEDULE 3

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 northern shore of the mainland of Australia on the Weipa Peninsular, in the vicinity of Gonbung Point (Evans Point), at low-water by the parallel of Latitude 12°40' South;
- (b) then running west along that parallel to its intersection with the meridian of Longitude 141°43.3' East;
- (c) then south along that meridian to its intersection with the parallel of Latitude 12°43.2' South;
- (d) then east along that parallel to its intersection with the northern shore of the mainland of Australia on Cape York Peninsula at low-water; and
- (e) then generally northerly along that shore at 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 southern shore of the Gulf of Carpentaria at low-water by the meridian of Longitude 140°40' East;
- (b) running then north along that meridian to its intersection with the parallel of Latitude 17°21' South;
- (c) then east along that parallel to its intersection with the eastern shore of the Gulf of Carpentaria at low-water; and
- (d) then generally south-westerly along that shore at low-water to the point of commencement.

Part C - Darwin assembly area

The area of waters known as Darwin Harbour Waters landward of the geodesic between the westernmost point on East Point at low-water and the easternmost point on West Point at low-water.

Part D - Gove assembly area

The area of waters known as Gove Harbour landward of the geodesic between the easternmost point on Shepherd Bluff at low-water and the northernmost point on Wargarpunda Point at low-water.

SCHEDULE 4

Application for Exemption to Schedule 1

1. An application for exemption for Schedule 1, to AFMA, Compliance Officer in Canberra, must be made either by telephone, by fax or in person as follows:
 - (a) by telephone to (02) 6225 5482 or 0401 593 756; or
 - (b) by fax to (02) 6225 5442 or (02) 6225 5443; or
 - (c) after hours on 0419 205 329.
2. An exemption approval from AFMA, Compliance Officer must be provided to the person in writing, and must be:
 - (a) posted to an address; or
 - (b) transmitted to a fax number; or
 - (c) provided via email;nominated by the person giving the notice.
3. Applications for exemptions to prohibitions on navigation listed in Schedule 1 will be considered for approval in exceptional circumstances. Where navigation is required because of vessel breakdown, distress, medical emergency, cyclone or weather warning, or to access an anchorage where no transit corridor has been provided, applications for an exemption will always be approved.
4. In the event that an exemption approval is not granted by an AFMA Compliance Officer, a vessel operator may request that the application be reviewed by a person who did not participate in the making of the original decision and who holds, occupies, or performs the duties of position titles General Manager, Corporate Governance, General Manager, Operations or Executive Manager, Fisheries.

SCHEDULE 5

Designated Steaming Tracks

Darwin - west

- (a) commencing at the point of Latitude 12° 18.48' South and Longitude 129°55' East;
- (b) then south easterly to the position Latitude 12°15' South and Longitude 130°20' East;
- (c) then ending at Latitude 12°20.2' South Longitude 130°41.8' East at the fairway buoy entering the Port of Darwin

Darwin – east 1

- (a) commencing at Latitude 12°20.2' South Longitude 130°41.8' East which is the fairway buoy at the entry to the Port of Darwin heading north easterly to the intersection of the point Latitude 12°19' South and Longitude 130°41.9' East;
- (b) then north easterly to the point Latitude 12° 04.6' South and Longitude 130°55.9' East;
- (c) then easterly to the point Latitude 12°04.7' South and Longitude 131°01.1' East;
- (d) then easterly to the point Latitude 12°05.5' South and Longitude 131°08' East;
- (e) then easterly to the point Latitude 12°04.8' South and Longitude 131°11.4' East;
- (f) then north easterly to the point Latitude 11°53' South and Longitude 131°21.5' East;
- (g) then north easterly to the point Latitude 11°53.3' and Longitude 131°33' East;
- (h) then north easterly to the point Latitude 11°39.8' South and Longitude 131°37.6' East;
- (i) then north easterly to the point Latitude 11°11.2' South and Longitude 131°42.1' East;
- (j) and then north easterly to the point Latitude 10°50' South and Longitude 132°05' East.

Darwin – east 2

- (a) commencing at Latitude 12°04' South, Longitude 130°55' East;
- (b) then following north channel through Vernon Islands in a north easterly direction to the point Latitude 11°55' South and Longitude 131°11' East;
- (c) then north easterly to the point Latitude 11°37' South and Longitude 131°30' East;
- (d) then north easterly to join steaming track 'Darwin east 1' at the point Latitude 11°30' South and Longitude 131°40' East;

Gove

- (a) commencing at the point of Latitude 11° 42.73' South and Longitude 136°53.73' East; and
- (b) ending at the point of Latitude 12°11.21' South and Longitude 136°39.2' East at the entry to Gove Harbour.

Karumba

- (a) commencing at the point of Latitude 16°30' South and Longitude 140°30' East;
- (b) then southerly to the point of Latitude 16°35.44' South and Longitude 140°30' East;
- (c) then south easterly to the point of Latitude 17°25.5' East and Longitude 140°43' East at the entry to the Port of Karumba.

Weipa – north

- (a) commencing at the point of Latitude 11° 45' South and Longitude 141° 27.6' East
- (b) then south-westerly to the Weipa north-west designated steaming track at the point of Latitude 12° 35' South and Longitude 141° 32.3' East

Weipa - north-west

- (a) commencing at the point of Latitude 12°00' South and Longitude 141°05' East;
- (b) then south easterly to the point of Latitude 12°42' South and Longitude 141°37.7' East;
- (c) then easterly along that meridian to the intersection with Longitude 141°40.3' East at the entry to the Port of Weipa.

Weipa – west

- (a) commencing at the point of Latitude 12°42' South and Longitude 141°37.7 East;
- (b) then west along that meridian to the intersection with Longitude 141°05.

SCHEDULE 6**Application for Exemption to Schedule 2**

1. An application for exemption for Schedule 2, to AFMA Compliance Officer in Canberra, must be made only by fax (02) 6225 5442 or (02) 6225 5443.
2. An exemption approval from AFMA Compliance Officer must be provided to the person in writing, and must be:
 - (a) posted to an address; or
 - (b) transmitted to a fax number; or
 - (c) provided via email;nominated by the person giving the notice.
2. Applications for exemptions to prohibitions on navigation in Schedule 2 will be only be considered for approval in exceptional circumstances.
4. In the event that an exemption approval is not granted by an AFMA Compliance Officer, a vessel operator may request that the application be reviewed by a person who did not participate in the making of the original decision and who holds, occupies, or performs the duties of position titles General Manager, Corporate Governance, General Manager, Operations or Executive Manager, Fisheries.