



Northern Prawn Fishery Amendment Management Plan 1999 (No. NPF 02)

I, FRANK MEERE, Acting Managing Director of the Australian Fisheries Management Authority, acting for the Authority, determine the following Plan of Management under subsection 20 (1) of the *Fisheries Management Act 1991*.

Dated 6 September 1999.

F. MEERE
Acting Managing Director of the Australian Fisheries
Management Authority



Northern Prawn Fishery Amendment Management Plan 1999 (No. NPF 02)

made under the

Fisheries Management Act 1991

Contents

	Page
1 Name of Plan	2
2 Commencement	2
3 Amendment of Northern Prawn Fishery Management Plan 1995	2
Schedule 1 Amendments	3

1 Name of Plan

This Plan is the *Northern Prawn Fishery Amendment Management Plan 1999 (No. NPF 02)*.

2 Commencement

This Plan commences on gazettal.

Note See subs 19 (1) and (2) of the Act and s 48 of the *Acts Interpretation Act 1901*.

3 Amendment of Northern Prawn Fishery Management Plan 1995

Schedule 1 amends the Northern Prawn Fishery Management Plan 1995.

Schedule 1 Amendments

(section 3)

[1] Section 1

substitute

1 Name of Plan

This Plan is the *Northern Prawn Fishery Management Plan 1995*.

[2] Subsection 3 (1), after definition of *Act*

insert

acting for, in relation to a person, means acting with the consent of, and on behalf of, the person.

[3] Subsection 3 (1), definition of *active Class A statutory fishing right*

omit

[4] Subsection 3 (1), definition of *active Class B statutory fishing right*

omit

clause 12;

insert

section 12.

[5] Subsection 3 (1), definition of *agent*

substitute

agent, of the owner or holder of a statutory fishing right, means:

- (a) a person responsible for the affairs and property of the owner or holder under a law of the Commonwealth, a State or Territory, including a receiver, liquidator, trustee or guardian of the owner or holder, or an executor or administrator of the owner's or holder's estate; or
- (b) a person appointed as the owner's or holder's agent and notified to AFMA under subsection 32 (1).

[6] Subsection 3 (1), definitions of *applicable number of class A statutory fishing rights and certificate*

substitute

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

certificate, for a statutory fishing right, means a certificate given under subsection 22 (2) of the Act as evidence of the grant of the statutory fishing right.

[7] Subsection 3 (1), definitions of *Class A statutory fishing right* and *Class B statutory fishing right*

substitute

Class B statutory fishing right means a statutory fishing right described in section 11.

[8] **Subsection 3 (1), definitions of *eligible person*, *engine power units*, *former plan*, *hull units*, *nominated boat* and *Northern Prawn Fishery***

substitute

eligible person, for a statutory fishing right, means a person who is registered as an eligible person for a grant of the fishing right under section 26 of the Act.

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 statutory fishing right means a statutory fishing right described in section 7.

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.

nominated boat, for a statutory fishing right, means a boat nominated on the certificate for the fishing right under section 19A.

Northern Prawn Fishery means commercial fishing in the Northern Prawn Fishery area.

old Class A statutory fishing right means a Class A statutory fishing right within the meaning of clause 7 of this Plan, as in force immediately before the commencement of this definition.

old suspense Class A statutory fishing right means a Class A statutory fishing right within the meaning of clause 9 of this Plan, as in force immediately before the commencement of this definition.

operational footrope, for a prawn trawl net, means the part of the footrope of the net that lies between the 2 outermost points at which the netting at the bottom of the net is attached to the footrope.

operational headrope, for a prawn trawl net, means the part of the headrope of the net that lies between the 2 outermost points at which the netting at the top of the net is attached to the headrope.

[9] Subsection 3 (1), definition of *Northern Prawn Fishery area*

omit

Schedule 2;

insert

Schedule 1.

[10] Subsection 3 (1), definitions of *propulsion engine*, *statutory fishing right* and *surplus Class A statutory fishing right*

substitute

provisional grant means a grant or grants to which section 23 of the Act applies.

statutory fishing right means a gear statutory fishing right, top up statutory fishing right, or Class B statutory fishing right, for the Northern Prawn Fishery.

[11] Subsection 3 (1), definition of *surplus Class B statutory fishing right*

omit

clause 13;

insert

section 13.

[12] Subsection 3 (1), definition of *suspense Class A statutory fishing right*

substitute

top up statutory fishing right means a statutory fishing right described in section 8.

try net means a prawn trawl net that:

- (a) is used with otter boards or a beam; and
- (b) has:
 - (i) up to 3.66 metres of operational headrope; and
 - (ii) up to 5.49 metres of operational footrope.

VMS means a vessel monitoring system with a satellite transceiver of a kind approved in writing by AFMA.

[13] After section 3

insert

3A Meaning of *commercial fishing in the Northern Prawn Fishery area*

In this Plan, *commercial fishing in the Northern Prawn Fishery area* means fishing of the kind mentioned in subsection 14 (4) or (5).

[14] Section 4

substitute

4 Objectives

The objectives of this Plan are to make sure:

- (a) that the objectives pursued by the Minister in the administration of the Act, and by AFMA in the performance of its functions, are met in relation to the Northern Prawn Fishery; and
- (b) that the incidental catch of non-target commercial and other species in that Fishery is reduced to a minimum.

[15] Paragraph 5 (g)

omit

species.

insert

species; and

[16] After paragraph 5 (g)

insert

- (h) developing and implementing a by-catch action plan.

[17] Subsection 6 (3)

omit

subclause 6.2.

substitute

subsection (2).

[18] Section 7

substitute

7 Gear statutory fishing rights

A gear statutory fishing right is a right to use the following equipment for commercial fishing in the Northern Prawn Fishery area:

- (a) 10 centimetres of operational headrope, and 11.5 centimetres of operational footrope, of a prawn trawl net (measured when the ropes are taut);
- (b) the netting attached to that operational headrope and footrope.

Note See s 3A for the meaning of *commercial fishing in the Northern Prawn Fishery area*.

[19] Section 8

substitute

8 Top up statutory fishing rights

- (1) A top up statutory fishing right is a right to use the following equipment for commercial fishing in the Northern Prawn Fishery area:
 - (a) 10 centimetres of operational headrope, and 11.5 centimetres of operational footrope, of a prawn trawl net (measured when the ropes are taut);
 - (b) the netting attached to that operational headrope and footrope.
- (2) A top up statutory fishing right is:
 - (a) in force for 2 years beginning on the date of grant of the fishing right; and
 - (b) non-transferable.

Note See s 3A for the meaning of *commercial fishing in the Northern Prawn Fishery area*.

[20] Sections 9 and 10

omit

[21] Section 12

substitute

12 Active Class B statutory fishing rights

An active Class B statutory fishing right is a right:

- (a) to use a trawl boat for commercial fishing in the Northern Prawn Fishery area; and

- (b) for which there is a nominated boat.

[22] Section 13

substitute

13 Surplus Class B statutory fishing rights

A surplus Class B statutory fishing right is a right:

- (a) to use a trawl boat for commercial fishing in the Northern Prawn Fishery area; and
- (b) for which there is no nominated boat.

Note See s 3A for the meaning of *commercial fishing in the Northern Prawn Fishery area*.

[23] Section 14

substitute

14 Who may fish commercially in the Northern Prawn Fishery area

- (1) If subsection (2) or (3) applies to a person, the person may engage in commercial fishing in the Northern Prawn Fishery area.

Note See s 3A for the meaning of *commercial fishing in the Northern Prawn Fishery area*.

- (2) This subsection applies to a person if:
- (a) the person:
 - (i) is using a nominated boat; and
 - (ii) is, or is acting for, the holder of an active Class B statutory fishing right in force for the boat; and
 - (b) the boat is also nominated for at least 100 gear or top up statutory fishing rights.
- (3) This subsection applies to a person if:

-
- (a) the person is, or is acting for, the holder of a scientific permit for the Northern Prawn Fishery; and
 - (b) the permit authorises the holder to engage in commercial fishing in the Fishery area.
 - (4) Subject to any relevant direction under section 25, the person may engage in commercial fishing in the Northern Prawn Fishery area for:
 - (a) any species of prawns (including penaeid and carid prawns), scampi, bugs or scallops; and
 - (b) any species of squid, using a prawn trawl apparatus.
 - (5) The person may engage in commercial fishing in the area for any other species of fish only if the fish are taken:
 - (a) as an incidental part of fishing for the fish mentioned in paragraph (4) (a) or (b); or
 - (b) in accordance with another plan of management under the Act, or under a law of a State or Territory, that applies to the Fishery.
 - (6) However, the person may only engage in the commercial fishing mentioned in subsection (4) or (5) using 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 and top up statutory fishing rights nominated for the boat allow the person to use.

14A Who may receive, carry or process fish

Subject to any relevant direction under section 25, a person may receive by transshipment, carry or process fish taken in accordance with section 14 only if:

- (a) the person:
 - (i) is using a boat for which a fishing permit is in force for the Northern Prawn Fishery; and

- (ii) is, or is acting for, the holder of the fishing permit; or
- (b) the person is, or is acting for, the holder of a Class B statutory fishing right for which a boat is nominated.

[24] Section 15

substitute

15 Maximum number of statutory fishing rights

AFMA must make sure that, at any one time:

- (a) no more than 53,844 gear statutory fishing rights are in force; and
- (b) no more than 132 Class B statutory fishing rights are in force.

[25] Sections 16 and 17

substitute

16 Registration of eligible persons (Act s 26)

- (1) This section applies if AFMA publishes a notice, under section 24 of the Act, declaring that AFMA intends to grant statutory fishing rights for the Northern Prawn Fishery.
- (2) A person satisfies the conditions for registration as an eligible person for the grant of a gear statutory fishing right if the person is the owner of an old Class A statutory fishing right immediately before the end of the period stated in the notice.

Note The Register of Statutory Fishing Rights kept by AFMA for the Northern Prawn Fishery includes information about the owner of a statutory fishing right.

-
- (3) A person satisfies the conditions for registration as an eligible person for the grant of a top up statutory fishing right if, immediately before the end of the period stated in the notice:
- (a) the person is the holder of an active Class B statutory fishing right for a boat; and
 - (b) up to 299 old Class A statutory fishing rights are nominated for the boat.

Note A person who satisfies the conditions for registration as an eligible person for the grant of a statutory fishing right may apply to AFMA, in the approved form, for registration as an eligible person for the grant of the right. The application must be made within the period stated in the notice published under s 24 of the Act: see para 25 (f) and subs 26 (1) of the Act.

16A Provisional grants of statutory fishing rights (Act s 23)

- (1) If a person is registered as an eligible person for the grant of a statutory fishing right, AFMA must make a provisional grant of the fishing right to the person in accordance with this section.
- (2) If the person is registered as an eligible person for the grant of a gear statutory fishing right, the provisional grant is 1 gear statutory fishing right for each old Class A statutory fishing right owned by the person immediately before the end of the period mentioned in subsection 16 (2).

- (3) If the person is also registered as an eligible person for the grant of a top up statutory fishing right, the provisional grant also includes the number of top up statutory fishing rights worked out using the formula:

$$300 - n;$$

where:

n is the number of old Class A statutory fishing rights nominated for a boat immediately before the end of the period mentioned in subsection 16 (2).

Note See Div 3 of Pt 8 of the Act about review by the Statutory Fishing Rights Allocation Review Panel of a provisional grant.

16B Holders of old suspense Class A statutory fishing rights

- (1) This section applies if:
- (a) an eligible person for section 16A asks AFMA, under section 31 of the Act, to grant to the person 1 gear statutory fishing right for each old Class A statutory fishing right owned by the person immediately before the end of the period mentioned in subsection 16 (2); and
 - (b) a number of the old Class A statutory fishing rights so owned are old suspense Class A statutory fishing rights, within the meaning of this Plan, as in force immediately before the commencement of this section.

Note Under s 31 of the Act, if a person to whom the grant of a fishing right is available asks AFMA to grant the fishing right, AFMA must grant the fishing right to the person. The grant is not the same as a provisional grant under s 16A of this Plan.

- (2) The person may state that the person does not intend to apply, under paragraph 19 (2) (a), for a boat to be nominated for a stated number of gear statutory fishing rights.

- (3) The maximum number of gear statutory fishing rights that the person may include in the statement is the number of old suspense Class A statutory fishing rights owned by the person.

17 Request for grant (Act s 31)

- (1) AFMA may grant a statutory fishing right to a person only if:
- (a) a notice mentioned in subsection 23 (2) of the Act stating that the person is to be granted the right is published in the *Gazette* (the ***Gazette notice***); and
 - (b) the person requests AFMA to make the grant.

Note 1 Under subs 23 (3) of the Act, AFMA must not grant a statutory fishing right:

- (a) until the end of the period within which applications may be made to the Panel for review of provisional grants; or
- (b) if an application has been made to the Panel — before the application has been dealt with by the Panel or otherwise disposed of.

Note 2 Subsection 30 (2) of the Act provides that a grant ceases to be available to a person if the person does not tender the amount of charge due and payable under the *Statutory Fishing Rights Charge Act 1991* within 30 days after the grant becomes available to the person. At present, there is no charge payable under that Act for statutory fishing rights granted other than by auction or tender.

- (2) Subsection (3) applies if the person does not make the request for the grant within 30 days after the later of:
- (a) the end of the period within which, under section 143 of the Act, applications to the Panel may be made for review of the decision mentioned in subsection 23 (1) of the Act made by AFMA or a Joint Authority in relation to the grant; and
 - (b) if an application in relation to the decision is made to the Panel under section 143 of the Act — the day the application is dealt with by the Panel or otherwise disposed of.
- (3) AFMA must send a notice (the ***reminder notice***) to the person telling the person that the person must make the

request within the period stated in the notice and indicating the consequences for failure to do so.

- (4) If the person does not make the request within the period stated in the reminder notice, AFMA must send another notice (the *final notice*) to the person stating that the person's registration will be cancelled if the person does not, within 14 days after the final notice is sent:
 - (a) make the request; and
 - (b) explain to AFMA why the person did not make the request within the period stated in the reminder notice.
- (5) AFMA must cancel the person's registration as an eligible person if, despite a final notice, the person does not:
 - (a) make the request within 14 days after the final notice is sent; and
 - (b) have a reasonable excuse for not making the request within the period stated in the reminder notice; and
 - (c) explain the excuse to AFMA within 14 days after the final notice is sent.
- (6) If AFMA cancels a person's registration as an eligible person, AFMA must amend its records accordingly.

Note 1 AFMA must grant a statutory fishing right to a person to whom the grant of the right is available if the person asks AFMA to grant the right: see s 31 of the Act. See note 1 after subs 17 (1) for when a grant is not available because an application may be made, or is made, to the Panel for review of the decision in relation to the grant.

Note 2 A statutory fishing right ceases to have effect if AFMA revokes this Plan: see subs 20 (4) and 22 (3) of the Act.

Note 3 AFMA must register all statutory fishing rights granted: see s 45 of the Act.

17A Certificates proving grant of Class B statutory fishing rights (Act s 22 (2))

- (1) AFMA must record on the certificate for a Class B statutory fishing right the information about the fishing right that is entered on the Register.
- (2) In addition, AFMA must record on the certificate for a Class B statutory fishing right:
 - (a) the number of gear statutory fishing rights in relation to which the Class B statutory fishing right is held; and
 - (b) the number of top up statutory fishing rights (if any) in relation to which the Class B statutory fishing right is held.

17B Certificates proving grant of gear or top up statutory fishing rights (Act s 22 (2))

- (1) AFMA must record on a person's certificate for a gear or top up statutory fishing right the information about the fishing right that is entered on the Register.
- (2) If the person elects, under section 23B, to hold the statutory fishing right in relation to a Class B statutory fishing right, AFMA must also record on the certificate the registered number of the Class B statutory fishing right.
- (3) If the person states, in accordance with section 16B, that the person does not intend to apply, under paragraph 19 (2) (a), for a boat to be nominated for a number of gear statutory fishing rights, AFMA must also record the statement on the certificate.

17C Certificates may show grant of more than 1 statutory fishing right

AFMA may give a person a certificate as evidence of the grant of more than 1 statutory fishing right.

[26] Section 18

omit

[27] Section 19

substitute

19 Applications for boat nomination and replacement

- (1) The holder of a Class B statutory fishing right may use a boat for commercial fishing in the Northern Prawn Fishery area only if the boat is nominated for the statutory fishing right.
- (2) The holder of a statutory fishing right may apply, in writing, to AFMA in the approved form:
 - (a) for a boat to be nominated on the certificate for the statutory fishing right; or
 - (b) if the holder intends to use a boat other than the nominated boat for commercial fishing in the Northern Prawn Fishery area — for the particulars of the nominated boat that are recorded on the certificate for the statutory fishing right to be replaced with the particulars of the other boat.
- (3) However, the holder of a top up statutory fishing right may not apply to AFMA for the particulars of the nominated boat that are recorded on the certificate for the statutory fishing right to be replaced with the particulars of another boat.
- (4) In addition, the holder of a statutory fishing right may not apply to AFMA for:
 - (a) particular gear or top up statutory fishing rights to be nominated for more than 1 boat; or
 - (b) a Class B statutory fishing right to be nominated for more than 1 boat; or
 - (c) if top up statutory fishing rights are nominated for a boat — nomination of the boat for a total of

more than 300 gear and top up statutory fishing rights in any combination; or

- (d) amendment of the certificate for the Class B statutory fishing right in accordance with paragraph (2) (b) in the following circumstances:
 - (i) the nomination is made in relation to top up statutory fishing rights; and
 - (ii) the nominated boat is not a constructive total loss; or
 - (e) nomination of fewer than 100 gear or top up statutory fishing rights for a boat.
- (5) Also, if a boat is identified on a certificate as the nominated boat for a Class B statutory fishing right, the holder of another Class B statutory fishing right may not apply for nomination of that boat for the holder's Class B statutory fishing right.
- (6) An applicant must give AFMA the certificate for the relevant statutory fishing right with the application.

Note Under s 24, if the number of gear or top up statutory fishing rights nominated in relation to a Class B statutory fishing right is reduced to fewer than 100, the Class B statutory fishing right ceases to be in force.

19A Boat nomination and replacement

- (1) As soon as practicable after receiving an application made under section 19, AFMA must:
 - (a) nominate the boat, or the other boat, in accordance with the application; and
 - (b) return the certificate for the statutory fishing right to the holder of the statutory fishing right.
- (2) Section 19 does not prevent AFMA from giving a person a single certificate as evidence that the person holds 2 or more statutory fishing rights.

[28] Section 20

omit

[29] Subsection 21 (1)

omit

active Class A statutory fishing right

insert

gear statutory fishing right

[30] Subsection 21 (3)

omit

relating to

insert

for

[31] Subsections 21 (4) and (5)

substitute

- (4) As soon as practicable after receiving the application, AFMA must cancel the nomination of the boat for each gear statutory fishing right for which the boat is nominated, by amending the certificate.

[32] Subsection 21 (6)

omit

Class A

insert

gear

[33] Subsection 21 (7)

omit

[34] Paragraphs 22 (1) (a) and (b)

omit

[35] After paragraph 22 (1) (e)

insert

- (ea) comply with any by-catch action plan to make sure that the incidental catch of any species that the holder is not entitled to take, except as by-catch, is kept to a minimum; and

[36] Paragraph 22 (1) (g)

omit

boat.

insert

boat; and

[37] After paragraph 22 (1) (g)

insert

- (h) make sure that a nominated boat does not receive prawns or by-catch taken by another boat, unless each container of the prawns or by-catch has attached to it a written statement, capable of being read on its arrival at a processing plant, showing:
 - (i) the name of the boat that took the prawns or by-catch; and
 - (ii) the date when the prawns or by-catch were taken; and

- (iii) the date when the container was received on the boat; and
- (i) make sure that the nominated boat is not used for fishing unless:
 - (i) it is fitted with a VMS that is operating continuously; or
 - (ii) AFMA has given written permission for the boat to be used without a VMS that operates continuously.

[38] Subsection 22 (2)

substitute

- (2) The holder of a gear or top up statutory fishing right who is engaged in commercial fishing in the Northern Prawn Fishery area:
 - (a) must use no more than 2 prawn trawl nets on the nominated boat for the fishing; and
 - (b) must not use, or have on board the boat, a prawn trawl net with an operational headrope length that is greater than half of the operational headrope length that the gear or top up statutory fishing rights nominated for the boat allow the holder to use (the *maximum operational headrope length*).
- (3) However, the holder may also use 1 try net.
- (4) Also, the holder may have on board the boat a prawn trawl net with an operational headrope length that is greater than the maximum operational headrope length if:
 - (a) the holder is carrying the net on a trip through the Northern Prawn Fishery area and does not intend to use the net for fishing on the trip; and
 - (b) the holder has notified AFMA in writing of carriage of the net before the trip; and
 - (c) the net is stowed securely during the trip.

- (5) In addition, the holder of a top up statutory fishing right must not use on the boat a combination of prawn trawl nets that have a combined operational headrope length that is greater than 30 metres.

Note See s 22 and 95 of the Act about conditions of statutory fishing rights.

[39] Section 23

substitute

**23A Obligations on holders of fishing permits
(Act s 17 (6))**

The holder of a fishing permit in force for the Northern Prawn fishery must:

- (a) comply with any relevant direction given under section 25; and
- (b) make sure that a boat to which the permit applies does not receive prawns or by-catch taken by another boat, unless each container of the prawns or by-catch has attached to it a written statement, capable of being read on its arrival at a processing plant, showing:
 - (i) the unique identifier for the boat that took the prawns or by-catch; and
 - (ii) the date when the prawns or by-catch were taken; and
 - (iii) the date when the container was received on the boat; and
- (c) make sure that the boat is not used for fishing unless:
 - (i) it is fitted with a VMS that is operating continuously; or
 - (ii) AFMA has given written permission for the boat to be used without a VMS that operates continuously; and
- (d) comply with all other conditions to which the fishing permit is subject.

Note See s 32 and 95 of the Act about conditions of fishing permits.

23B Election about holding gear statutory fishing rights

- (1) This section applies if a person:
 - (a) is the holder of a gear or top up statutory fishing right; and
 - (b) is also the holder of a Class B statutory fishing right.
- (2) The person may elect:
 - (a) to hold the gear or top up statutory fishing right in relation to the Class B statutory fishing right; or
 - (b) not to hold the gear statutory fishing right in relation to that, or any other, Class B statutory fishing right.
- (3) The holder may make or change an election by written notice to AFMA.

[40] Section 24

substitute

24 When Class B statutory fishing rights cease to be in force

- (1) If the number of gear or top up statutory fishing rights held in relation to a Class B statutory fishing right is reduced to fewer than 100, the Class B statutory fishing right ceases to be in force.
- (2) However, if subsection (3) applies, the Class B statutory fishing right does not cease to be in force.
- (3) This subsection applies if, immediately before the day on which gear and top up statutory fishing rights become available for grant, the holder of a surplus Class B statutory fishing right also holds fewer than

100 old surplus or suspense Class A statutory fishing rights in relation to the surplus Class B statutory fishing right.

24A When top up statutory fishing rights cease to be in force

A top up statutory fishing right ceases to be in force if the person to whom it is granted does not continue to be the holder of an active Class B statutory fishing right.

[41] Subsection 26 (1)

substitute

- (1) The owner of a Class B or gear statutory fishing right may apply to AFMA for approval to transfer the statutory fishing right to another person.

Note The Register of Statutory Fishing Rights kept by AFMA for the Northern Prawn Fishery includes information about the owner of a statutory fishing right.

[42] Subsection 26 (2)

omit

certificate.

insert

certificate for the fishing right.

[43] Paragraph 26 (4) (a)

omit

holder's

insert

owner's

[44] Paragraph 26 (4) (c)

omit

holder

insert

owner

[45] Section 27

omit

expires

insert

ceases to be in force

[46] Section 28

omit

Before a certificate

insert

Before a certificate for a statutory fishing right

[47] Paragraph 28 (b)

omit

subclause 19.3, 21.3, 23.3 or 26.2

insert

subsection 19 (1), 21 (3) or 26 (2)

[48] Section 29

omit

clause 25

insert

section 25

[49] Section 29, note

substitute

Note See subs 17 (11) of the Act about delegation of powers.

[50] Paragraph 30 (a)

omit

[51] Paragraph 30 (b)

substitute

(b) under subsection 17 (5) to cancel a person's registration as an eligible person for the grant of a statutory fishing right; and

[52] Paragraph 30 (c)

omit

subclause 26.4

insert

subsection 26 (4)

[53] Section 31, at the foot

insert

Note See s 46 of the Act for requirements about registering a dealing that is to have the effect of creating, assigning, transferring, transmitting or extinguishing an interest in a fishing right.

[54] Subsection 32 (1)

substitute

- (1) If the owner or holder of a statutory fishing right appoints a person to be the owner's or holder's agent for a matter to which this Plan applies, the owner or holder must give AFMA a notice, in writing, that states:
- (a) the name of the agent; and
 - (b) the powers that may be exercised by the agent.

[55] Subsection 32 (2)

before

holder

insert

owner or

[56] Paragraph 33 (2) (a)

substitute

- (a) delivered to the reception desk at:
- John Curtin House
22 Brisbane Avenue
BARTON ACT; or

[57] Paragraph 33 (2) (b)

omit

PO

[58] Subsection 34 (1)

omit

In spite of subclause 33.1,

insert

Despite subsection 33 (1),

[59] Subsection 34 (2)

omit

(06) 272 4614

insert

(02) 6272 4614

[60] After section 34

insert

35 Transitional

- (1) Subclauses 14.1 and 14.2 of the Northern Prawn Fishery Management Plan 1995 as in force immediately before the commencement of this section continue to apply in relation to a person, who is the holder of the applicable number of old Class A statutory fishing rights for a boat, during the period that:

- (a) starts at the commencement of this section; and

- (b) ends when the gear statutory fishing rights granted to the person under that plan as amended by this Plan take effect.

Note Subclauses 14.1 and 14.2 were omitted by the *Northern Prawn Fishery Amendment Management Plan 1999*.

- (2) However, this section ceases to apply to the person if:
 - (a) the person ceases to be the holder of the applicable number of old Class A statutory fishing rights; or
 - (b) at the end of the period specified in a notice under section 24 of the Act within which interested persons may apply to be registered as eligible persons for the grant of gear statutory fishing rights, the person has not applied to be so registered; or
 - (c) AFMA has decided not to register the person as an eligible person for the grant of gear statutory fishing rights and has notified the person of that decision under subsection 26 (3) of the Act; or
 - (d) the person's registration as an eligible person for the grant of gear statutory fishing rights is cancelled under subsection 17 (5).

[61] Schedule 1

omit

[62] Schedule 2, heading

substitute

**Schedule 1 Area of the Northern
Prawn Fishery**

(subsection 3 (1))