



Fisheries Management (Northern Prawn Fishery Limited-take and Prohibited-take Species) Direction 2021

made under section 41A of the

Fisheries Management Act 1991

Compilation No. 1

Compilation date: 18 August 2022

Includes amendments up to: F2022L01076

Prepared by the Australian Fisheries Management Authority

About this compilation

This compilation

This is a compilation of the *Fisheries Management (Northern Prawn Fishery Limited-take and Prohibited-take Species) Direction 2021* that shows the text of the law as amended and in force on 18/08/2022 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name

This instrument is the *Fisheries Management (Northern Prawn Fishery Limited-take and Prohibited-take Species) Direction 2021*.

3 Authority

This instrument is made under section 41A of the Act.

4 Definitions

Note: A number of expressions used in this instrument are defined in the definitions section of the Act, including the following:

- (a) boat
- (b) fish
- (c) fishing
- (d) holder
- (e) master
- (f) plan of management
- (g) processing
- (h) statutory fishing right
- (i) take.

A number of expressions used in this instrument are defined in the interpretation section of the *Northern Prawn Fishery Management Plan 1995*, including the following:

- (a) acting for
- (b) Northern Prawn Fishery
- (c) Northern Prawn Fishery area.

In this instrument:

Act means the *Fisheries Management Act 1991*;

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

bugs means fish of the species *Thenus parindicus* and *Thenus australiensis*;

carapace width means the width of the carapace when measured at its widest point;

egg-bearing female bugs includes bugs that have been scrubbed to remove any eggs and includes bugs that have had their eggs removed using chemicals;

equipment means equipment for fishing;

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

rock lobster means a whole lobster of the species *Panulirus ornatus* and/ or a lobster tail of that species;

scampi means fish of the families Aristeidae and Nephropidae;

trip means the period between departing port and the unloading of a catch, or part of a catch, to a mothership or port or any other point where catch is unloaded;

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);

W means the whole weight of fish in kilograms;

GG means the gilled and gutted weight of fish in kilograms;

F means the fish fillet weight in kilograms; and

HG means the headed and gutted weight of fish in kilograms.

For the purposes of this Direction, the master of a boat is, at any time, presumed to have taken all of the fish present on the boat at that time and, in so doing, to have been acting on behalf of the holder of the statutory fishing rights in respect of which the boat is nominated.

For the purposes of this Direction, fish and/or bugs that are on board a boat are presumed to have been taken: during the current trip; or, if the boat is not on a trip, the most recent trip.

This Direction is to be read consistently with other Directions made under the *Fisheries Management Act 1991*.

5 Schedules

- (1) The instrument that is specified in Schedule 3 to this instrument is repealed as set out in the applicable items in that Schedule.
- (2) Schedules 1 and 2 to this instrument have effect according to their terms.

6 To whom this applies

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.

7 Prohibitions on taking bugs

- (1) Fishing is not to be engaged in in the Northern Prawn Fishery for:
 - (a) bugs with a carapace width less than 60 mm; or

- (b) egg-bearing female bugs.

8 Prohibition on fishing

- (1) Fishing is not to be engaged in in the Northern Prawn Fishery for:
 - (a) the species named in Part 1 of Schedule 1 (the First Species) in excess of a combined catch of one kilogram per trip; or
 - (b) the species named in Part 2 of Schedule 1 (the Second Species) in excess of a combined catch of 10 individual fish per trip; or
 - (c) for mudcrabs in excess of a catch of 10 individuals per trip; or
 - (d) for rock lobsters in excess of a catch of 6 individuals per trip; or
 - (e) for species named in Schedule 2; or
 - (f) for tuna or tuna-like species; or
 - (g) for scampi in the period commencing on the day this instrument commences and ending at 2230 hours UTC on 30 November 2022.

9 Exemptions to the prohibition in Section 8

- (1) The prohibition in subsection 8(1)(a) does not apply:
 - (a) if the trip ends during the period beginning on 1 March in a year and ending on 30 June in the same year during the period of application of the Direction; and
 - (b) if no more than a cumulative total of 550 kilograms (whole weight) (the First Weight Limit) of the First Species are taken per trip; and
 - (c) if the First Weight Limit or any part thereof has been processed, the whole weight equivalent of the processed First Weight Limit or part thereof is determined using the conversion factors:

$$W = GG \times 1.1$$

$$W = F \times 2.6$$

$$W = HG \times 1.4$$

- (2) The prohibition in subsection 8(1)(a) does not apply:
 - (a) if the trip ends during any other period of the year outside of the period defined in subsection 9(1)(a) during the period of application of the Direction; and
 - (b) if no more than a cumulative total of 50 kilograms (whole weight) (the Second Weight Limit) of the First Species are taken per trip; and

- (c) if the Second Weight Limit or any part thereof has been processed, the whole weight equivalent of the processed Second Weight Limit or part thereof is determined using the conversion factors:

$$W = GG \times 1.1$$

$$W = F \times 2.6$$

$$W = HG \times 1.4$$

- (3) The prohibition in subsection (8)(1)(f) above does not apply if:

- (a) the only tuna and tuna-like species on board the vessel are longtail tuna (*Thunnus tonggol*); and
- (b) no more than 10 longtail tuna (*Thunnus tonggol*) are taken per trip.

- (4) The prohibitions in subsection 8(1) 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.

Schedule 1 – Limited-take species

Part 1 – the First Species

Common name	Scientific name
Saddle Tailed Snapper	<i>Lutjanus malabaricus</i>
Red Snapper	<i>Lutjanus erythropterus</i>
Red Emperor	<i>Lutjanus sebae</i>

Part 2 – the Second Species

Common name	Scientific name
Broad-barred Spanish Mackerel	<i>Scomberomorus semifasciatus</i>
Coral trouts, Rock cods etc	<i>Serranidae family</i>
Gold Band Snapper	<i>Pristipomoides multidens</i>
Longtail Tuna	<i>Thunnus tonggol</i>
Narrow -barred Spanish Mackerel	<i>Scomberomorus commerson</i>
Emperors, sea breams	<i>Lethrinidae family</i>

Schedule 2 – Prohibited-take species

Common name	Scientific name
Barramundi	<i>Lates calcarifer</i>
Black jewfish	<i>Protonidea diacanthus</i>
Blue salmon	<i>Eleutheronema tetradactylum</i>
Coral	
Jewel fish (Yellow Jew)	<i>Nibea squamosa</i>
Pearl shell	<i>Pinctada spp</i>

Queenfish	<i>Scomberoides lysan</i> ; <i>Scomberoides commersonianus</i>
Spotted grunter-bream	<i>Pomadasys kaakan</i>
Threadfin salmon	<i>Polydactylus sheridani</i>
Beche-de-mer	<i>Class Holothuroidae</i>
Trochus	<i>Class Trochidae</i>
Sharks, rays and skates	<i>Subclass Elasmobranchii</i>

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Endnotes

Endnote 2—Abbreviation key

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ad = added or inserted	orig = original
am = amended	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
amdt = amendment	pres = present
c = clause(s)	prev = previous
C[x] = Compilation No. x	(prev...) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	reloc = relocated
disallowed = disallowed by Parliament	renum = renumbered
Div = Division(s)	rep = repealed
exp = expires/expired or ceases/ceased to have effect	rs = repealed and substituted
F = Federal Register of Legislation	s = section(s)/subsection(s)
gaz = gazette	Sch = Schedule(s)
LA = <i>Legislation Act 2003</i>	Sdiv = Subdivision(s)
LIA = <i>Legislative Instruments Act 2003</i>	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
o = order(s)	<u>underlining</u> = whole or part not commenced or to be commenced
Ord = Ordinance	

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Fisheries Management (Northern Prawn Fishery Limited-take and Prohibited-take Species) Direction 2021	F2021L00253	1 June 2021	
Fisheries Management (Northern Prawn Fishery Limited-take and Prohibited-take Species) Amendment Direction No. 1 2022	F2022L01076	18 August 2022	

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
s 2	rep LA s 48D
s 8	am F2022L01076
Sch 3	rep LA s 48C