

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

**NPF DIRECTION No. 121
SECOND SEASON CLOSURES**

The Australian Fisheries Management Authority makes the following Direction under section 17(5A) of the *Fisheries Management Act 1991* and section 25(1) of the *Northern Prawn Fishery Management Plan 1995*.

Dated this 29 August 2008

The Common seal of the Australian Fisheries Management Authority was affixed in accordance with a resolution of the Commission

Peter Witheridge

Citation

1. This Direction may be cited as NPF Direction No. 121.

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 2200 hours UTC 31 July 2009.

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

5.2 "**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).

5.3 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".]

5.4 This Direction is to be read consistently with other Directions made under the *Northern Prawn Fishery Management Plan 1995*.

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

Prohibition on fishing

6 A person in an area described in Schedules 1-8 is prohibited from fishing for the period in any year commencing at the time and on the day specified in the corresponding row in column 2, and ending at the time and on the day specified in the corresponding row in column 3 in the Closures Table following section 8 below.

To whom does the prohibition on fishing not apply?

7.1 The prohibition in clause 6 does not apply during the periods specified in Column 4 of the Closures Table if information given by the boat's vessel monitoring system during the period that the boat was navigated in the closed zones shows that:

1. the boat was navigated in the closed zone for a continuous period of 30 minutes or more; and
2. at all times during the period, the boat was travelling at a speed of at least 5 knots.

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

1. before entering an area described in the Schedules 1-8, during the period in any year commencing at the time and on the day specified in the corresponding row in column 2 and ending at the time and on the day specified in the corresponding row in column 3 of the Closures Table referred to in clause 6, applies for and receives an exemption from AFMA in accordance with Schedule 10; or
2. is carrying out a gear trial in accordance with NPF 120.

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

- (a) is entitled to fish in the Northern Prawn Fishery using a boat under the *Northern Prawn Fishery Management Plan 1995*; and
- (b) uses the boat when fishing for gravid prawns; and
- (c) holds a written approval from the Australian Fisheries Management Authority to take gravid prawns from a specified area; and
- (d) does not fish for gravid prawns other than in accordance with that approval; or
- (e) a person who 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 NPF Direction No. 119

- 8.** This Direction revokes NPF Direction No. 119 with effect from the date and time of commencement of this Direction.

Closures Table

Column 1 (area)	Column 2 (period commencing)	Column 3 (period ending)	Column 4 (exemption for transiting)
Schedule 1 (Tarrant Point – Mornington Island – Bynoe River)	2200 hours UTC 30 September 2008	2200 hours UTC 28 November 2008	
Schedule 2 (Sir Edward Pellew Group)	2230 hours UTC 30 September 2008	2230 hours UTC 28 November 2008	
Schedule 3 (North East Vanderlin Island 8 ₃ Patch)	2230 hours UTC 30 September 2008	2230 hours UTC 28 November 2008	Period commencing at 2230 hours UTC and ending at 0830 hours UTC each day
Schedule 4 (Weipa)	2200 hours UTC 30 September 2008	2200 hours UTC 28 November 2008	Period commencing at 2200 hours UTC and ending at 0800 hours UTC each day
Schedule 5 (Cambridge Gulf)	2230 hours UTC 30 September 2008	2230 hours UTC 28 November 2008	
Schedule 6 (Native Point)	0830 UTC 1 August 2008	2200 hours UTC 28 August 2008	
Schedule 7 (End of season closure)	2200 hours UTC 28 November 2008	2200 hours UTC 31 July 2009	
Schedule 8 (End of season closure)	2230 hours UTC 28 November 2008	2200 hours UTC 31 July 2009	

SCHEDULE 1

(Tarrant Point - Mornington Island - Bynoe River)

The area bounded by the line:

- (a) commencing at the intersection of the northern shore of the mainland of Australia at low-water, in the vicinity of Tarrant Point, with the meridian of Longitude 139°25' East;
- (b) then running north-easterly along the geodesic to the point of Latitude 17°05.45' South, Longitude 139°34.4' East, in the vicinity of Raft Point on Bentinck Island;
- (c) then north-easterly along the geodesic to the point of Latitude 16°31.5' South, Longitude 139°42.66' East, in the vicinity of Cape Van Diemen on Mornington Island;
- (d) then north-easterly along the geodesic to the point of Latitude 16°29.5' South, Longitude 139°49.0' East, in the vicinity of Pisonia Island;
- (e) then south-easterly along the geodesic to the intersection of the meridian of Longitude 140°43' East with the northern shore of the mainland at low-water, in the vicinity of Bynoe Inlet;
- (f) then generally westerly along that shore at low-water to the point of commencement; and
- (g) excepting for the exempt transit corridor listed in Schedule 9.

SCHEDULE 2

(Sir Edward Pellew Group)

The area bounded by the line:

- (a) commencing at the intersection of the northern shore of the mainland of Australia at low-water with the meridian of Longitude 137°10' East;
- (b) running then north along that meridian to its intersection with the parallel of Latitude 15°38.3' South;
- (c) then west along that parallel to its intersection with the northern shore of Vanderlin Island in the vicinity of Three Hummock Point;
- (d) then generally northerly, westerly, southerly along that shore to the intersection with the parallel of Latitude 15°38.3' South, Longitude 136°57' East in the vicinity of Kedge Point;
- (e) then north along that meridian to Latitude 15°15' South;
- (f) then west along the parallel of 15°15' South to the intersection of the northern shore of Australia;
- (g) then generally south-easterly along that shore at low-water to the point of commencement.

SCHEDULE 3

(North East Vanderlin Island 8₃ Patch)

The area bounded by the line:

- (a) commencing at the intersection of Latitude 15°30' South, Longitude 137°20' East;
- (b) then north along the meridian to Latitude 15°10' South;
- (c) then east along the parallel to Longitude 137°40' East;
- (d) then south along the meridian to Latitude 15°30' South; and
- (e) then west along the parallel to the point of commencement.

SCHEDULE 4

(Weipa)

The area bounded by the line:

- (a) commencing at the point on the mainland of Australia at high water at Latitude 12° S;
- (b) then running west along that parallel to the intersection of Longitude 141° 46'E;
- (c) then south westerly along the geodesic to the intersection of Latitude 12° 34'S Longitude 141° 30.5'E;
- (d) then south easterly to the point on the mainland at 12° 59.6S Longitude 141° 31.5'E in the vicinity of Thud Point;
- (e) then south along the meridian of Longitude 141° 31.5'E to Latitude 13° 15'S;
- (f) then east along the parallel to the high water mark on mainland Australia.

SCHEDULE 5

(Cambridge Gulf)

The area bounded by the line:

- (a) commencing at the intersection of the northern shore of the mainland of Australia and Longitude 128° 45' East;
- (b) then running north along the meridian to the intersection with Latitude 14° 06' East;
- (c) then running west to its intersection with Longitude 128° 06.5' East;
- (d) then running south to the intersection with Latitude 14° 09' South;
- (e) then running west to the intersection with Longitude 127° 46.5' East;
- (f) then running north to the intersection with Latitude 14° 06" East;
- (g) then running west to the intersection with the mainland;
- (h) then generally south easterly, southerly, easterly and northerly along that shore at low-water to the point of commencement.

SCHEDULE 6

(Native Point)

The area bounded by the line:

- (a) commencing at the intersection of Latitude 12° 36' South, Longitude 130° 09' East;
- (b) then running east along the parallel to the intersection with Longitude 130° 14' East;
- (c) then running south along the meridian to the intersection with Latitude 12° 40' South;
- (d) then running west along the meridian to the intersection with Longitude 130° 09' East;
- (e) then running north along the meridian to the point of commencement.

SCHEDULE 7

(End of Season Closure)

The area bounded by the line:

- (a) commencing at the intersection of the meridian of longitude 138° East and the mainland of Australia at the low water mark; and
- (b) then running north along that meridian to its intersection with the parallel of Latitude 11° 47' South; and
- (c) then east along the geodesic to the intersection of the parallel of Latitude 11° 47' South with the northern shore of the mainland at low water mark, in the vicinity of the Skardon River, on the eastern side of the Gulf of Carpentaria; and
- (d) then generally southerly and then generally westerly along that shore at low-water to the point of commencement.

SCHEDULE 8

(End of Season Closure)

The area bounded by the line:

- (a) commencing at the intersection of the north-western shore of the mainland of Australia at low-water with the meridian of Longitude 123°45' East;
- (b) then running north along that meridian to its intersection with the parallel of Latitude 15°28' South;
- (c) then north-easterly along the geodesic to the point of Latitude 14°53' South, Longitude 124°08' East;
- (d) then north-easterly along the geodesic to the point of Latitude 14°12' South, Longitude 124°50' East;
- (e) then north-easterly along the geodesic to the point of Latitude 13°28' South, Longitude 125°43' East;
- (f) then east along the parallel of Latitude 13°28' South to the meridian of Longitude 127°42' East;
- (g) then north easterly along the geodesic to the point of Latitude 12°45' South, Longitude 129°40' East;
- (h) then north along the meridian of Longitude 129°40' East to its intersection with the parallel of Latitude 10°30' South;
- (i) then east along that parallel to its intersection with the meridian of Longitude 133°16' East;
- (j) then south along that meridian to its intersection with the parallel of Latitude 11°00' South;
- (k) then south-easterly along the geodesic to the point of Latitude 11°25' South, Longitude 134°15' East;
- (l) then east along the parallel of Latitude 11°25' South to its intersection with the meridian of Longitude 135°35' East;
- (m) then north-easterly along the geodesic to the point of Latitude 11°05' South, Longitude 136°10' East;
- (n) then north-easterly along the geodesic to the point of Latitude 10°30' South, Longitude 136°40' East;
- (o) then south-easterly along the geodesic to the point of Latitude 11°00' South, Longitude 137°05' East;
- (p) then south along the meridian of Longitude 137°05' East to its intersection with the parallel of Latitude 11°47' South;
- (q) then north easterly along the geodesic to the point of intersection of the parallel of Latitude 11° 29.16' South with the meridian of Longitude 138° East;
- (r) then south along that meridian to its intersection with the mainland at low water mark;
- (s) then generally westerly along the shore at low water mark to the point of commencement.

SCHEDULE 9

EXEMPT TRANSIT CORRIDOR

Tarrant Point - Mornington Island - Bynoe River

The area bounded by the line:

- (a) commencing at the point of Latitude 16°52.5' South, Longitude 139°37.83' East;
- (b) then running east along that parallel to its intersection with the meridian of Longitude 140°09.5' East;
- (c) then generally south along the geodesic to the point of Latitude 16°56' South, Longitude 140°12.5' East;
- (d) then west along that parallel to its intersection with the meridian of Longitude 139°37.08' East; and
- (e) then generally north to the point of commencement.

SCHEDULE 10

APPLICATIONS FOR EXEMPTIONS

1. An application for exemption to an 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
 - (b) by fax to (02) 6225 5442 ; or
 - (c) after hours AFMA duty Officer on 0419 205 329
2. An exemption approval from an 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;nominated by the person giving the notice.
3. Applications for exemptions to prohibitions on navigation in prohibited areas during seasonal closures 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, Sustainability and Business Management, General Manager, Operations or Executive Manager, Fisheries.