

A large, bold, black letter 'G' is the central element of the logo. To its left, a white map of Western Australia is set against a background of horizontal black lines.

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FISH RESOURCES MANAGEMENT ACT 1994

**WEST COAST DEMERSAL GILLNET
AND DEMERSAL LONGLINE
INTERIM MANAGED FISHERY
MANAGEMENT PLAN 1997**

FISH RESOURCES MANAGEMENT ACT 1994**WEST COAST DEMERSAL GILLNET AND DEMERSAL LONGLINE INTERIM
MANAGED FISHERY MANAGEMENT PLAN 1997**

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FISH RESOURCES MANAGEMENT ACT 1994**WEST COAST DEMERSAL GILLNET AND DEMERSAL LONGLINE INTERIM
MANAGED FISHERY MANAGEMENT PLAN 1997**

FD 376/95

Made by the Minister under section 54.

Citation

1. This plan may be cited as the *West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan 1997*.

Commencement

2. This Plan will commence operation on 1 June 1997.

Cessation

3. This Plan will cease to have effect on 31 May 1999.

Interpretation

4. In this management plan, unless the contrary intention appears—

“authorised boat” means—

- (a) a licensed fishing boat, the name, licensed fishing boat number and length of which are specified in a permit; or
- (b) a boat specified in a written authority under regulation 132 where that boat is to be used in place of a boat described in (a);

“day” means a period of 24 hours;

“demersal gillnet” means any gillnet that—

- (a) has a mesh size greater than 114 millimetres when measured in accordance with the procedure specified in regulation 45 of the regulations; and
- (b) when set is wholly or partially in continuous or intermittent contact with the sea bed;

“demersal longline” means any longline with more than six hooks attached that when set is laid wholly or partially in continuous or intermittent contact with the sea bed and has metal in the snood;

“Fishery” means the West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery identified in clause 6;

“gear” means—

- (i) a demersal gillnet; or
- (ii) a demersal longline;

“gear unit” means a gillnet gear unit or a longline gear unit;

“gillnet gear unit” means 540 metres of demersal gillnet;

“JASDGNDLMF licence” means a licence which authorises the holder to fish in zone 1 of the Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery as determined in the *Joint Authority Southern Demersal Gillnet and Demersal Longline Management Plan 1992*;

“longline gear unit” means 180 hooks on a length of demersal longline;

“permit” means an interim managed fishery permit which authorises a person to fish in the Fishery;

“reel” means any device used to store, carry, set or haul any gear;

“regulations” means the *Fish Resources Management Regulations 1995*;

“set” in relation to a demersal gillnet or demersal longline means to position or release, leave or allow to remain in the waters of the Fishery;

“statutory return” means a monthly return made under and in accordance with section 18 of the *Fisheries Act 1905* and furnished to the Western Australian Fisheries Department;

“time gear unit” means one gillnet gear unit month or one longline gear unit month;

“year” means the period from 1 June in any year to 31 May in the following year.

Procedure before amending this Plan

5. For the purposes of section 65 of the Act, the Western Australian Demersal Gillnet and Demersal Longline Fishery Management Advisory Committee is the advisory committee that is to be consulted before this management plan is amended or revoked.

Identification of the Fishery

6. The Fishery to which this Plan relates is the fishing for any species of fish by the use of a demersal gillnet or a demersal longline in the waters described in Schedule 1.

Zones of the Fishery

7. The Fishery is divided into zones by reference to an area as described in Schedule 2.

Fishery an interim managed fishery

8. The Fishery is an interim managed fishery.

Persons prohibited from fishing in the Fishery

9. A person other than a person fishing under the authority of a permit is prohibited from fishing in the Fishery.

Prohibition on fishing activities

10. A person shall not use or attempt to use a demersal gillnet or demersal longline in the waters described in Schedule 1 other than in accordance with this Plan.

Prohibition on selling, dealing in or purchasing fish

11. A person shall not sell, deal in or purchase any fish taken from the Fishery unless the fish were taken by a person who holds a commercial fishing licence issued pursuant to the regulations and the fish were taken under the authority of a permit issued in accordance with this Plan and the Act.

Prohibited means of fishing in the Fishery

12. (1) A person shall not fish in the Fishery by any means other than by a demersal gillnet or demersal longline as described in subclauses (5) and (6).

(2) A person shall not fish by using a demersal gillnet and a demersal longline at the same time.

(3) A person shall not, under the authority of a permit, use any gear in the Fishery which is not specified on that permit as authorised gear.

(4) A person shall not carry on board a boat or use from a boat in the Fishery any gillnet or longline that is in excess of the gear unit allocation specified on the permit which refers to that boat.

(5) A person shall not use a demersal gillnet in the Fishery—

- (a) if it has a mesh size which is of a size that is different to the mesh size which is specified on the permit;
- (b) if it has a depth in number of meshes which is greater than the number of meshes specified on the permit;
- (c) unless it has attached surface floats which—
 - (i) have a diameter not less than 200 millimetres; and
 - (ii) are branded or stamped with the licensed fishing boat number of the boat (without the letters “LFB”) in legible characters not less than 60 millimetres high and 10 millimetres wide;

- (d) notwithstanding the provisions of paragraph (a), which has a mesh size less than 175 millimetres;
 - (e) notwithstanding paragraph (b), which has a depth exceeding 20 meshes.
- (6) A person shall not use a demersal longline in the Fishery unless it has attached surface floats which—
- (a) have a diameter of not less than 200 millimetres; and
 - (b) are branded or stamped with the licensed fishing boat number of the boat (without the letters "LFB") in legible characters not less than 60 millimetres high and 10 millimetres wide.
- (7) A person using a demersal gillnet or demersal longline in the Fishery must remove that demersal gillnet or demersal longline from the water at least once each day.

Use of boats

13. A person shall not use a boat to fish in the Fishery unless the boat is an authorised boat.

Permits

14. (1) A permit may be a Class A permit or a Class B permit.
- (2) A Class A permit may authorise the holder to fish in zone 1 or zone 2.
 - (3) A Class B permit may authorise the holder to fish in zone 2 only.

Criteria for a permit

15. (1) An applicant for a Class A permit to authorise access to zone 1 of the Fishery must satisfy the Executive Director that—

- (a) at the commencement of this Plan he or she is the holder of a current fishing boat licence and—
 - (i) that licence is endorsed to authorise the holder of that licence to fish in Western Australian waters off the west coast between 32° 41' south latitude and 26° south latitude using a power net drum; or
 - (ii) under the authority of that licence statutory fishing returns which recorded a catch of fish by demersal longline in the waters off the west coast between 33° south latitude and 26° south latitude during the period commencing 1 January 1988 and ending on 31 December 1993 were furnished to the Department; and
- (b) under the authority of the fishing boat licence referred to in (a)—
 - (i) (A) a minimum of 1.5 tonnes of fish were taken by either demersal gillnet or demersal longline in the period commencing 1 July 1991 and ending on 30 June 1992; and
 - (B) a minimum of 1.0 tonne of fish were taken by either demersal gillnet or demersal longline in the period commencing 1 July 1992 and ending 30 June 1993; or
 - (ii) fish were taken by demersal gillnet or demersal longline but he or she did not meet the criteria specified in subparagraph (i)—
 - (A) solely due to reliance on information contained in a letter dated 10 June 1991 from the Director of Fisheries which advised the receiver that any fishing activity undertaken after 20 May 1991 would not be taken into account when determining future access to the Fishery; and
 - (B) he or she was the addressee of the letter described in (A);
- (c) the fish referred to in (a) and (b) were recorded as having been taken by demersal gillnet or demersal longline on statutory returns furnished to the Department prior to 31 December 1993; and
- (d) the applicant applies for a permit before 31 July 1997.

(2) An applicant for a Class A permit to authorise access to zone 2 of the Fishery must satisfy the Executive Director that—

- (a) he or she satisfies the criteria specified in subclause (1)(a), (b), and (c);
- (b) at the commencement of this Plan he or she is the holder of a current fishing boat licence—
 - (i) that licence is endorsed to authorise the holder to fish in Western Australian waters off the west coast between 33° south latitude and 32° 41' south latitude using a power net drum; or
 - (ii) under the authority of that licence statutory returns were furnished to the Department which recorded that fishing had been undertaken for a minimum of 5 months during each financial year commencing 1 July 1989 and ending on 30 June 1991 and that a minimum of 9 tonnes of fish had been taken from the waters described in Schedule 3 in each of those financial years;
- (c) the fish referred to in (b) were recorded as having been taken by demersal gillnet or demersal longline on statutory returns furnished to the Department prior to 31 December 1993; and
- (d) the applicant applies for a permit before 31 July 1997.

(3) An applicant for a Class B permit must satisfy the Executive Director that—

- (a) he or she satisfies the criteria specified in subclause (1);
- (b) at the commencement of this plan he or she is the holder of a JASDGNDLMF licence; and
- (c) that under the authority of the fishing boat licence referred to in subclause (1)(a)(i), statutory returns were furnished to the Department which recorded that fishing had been undertaken for a minimum of five months in each financial year commencing 1 July 1989 and ending 30 June 1991 and that a minimum of 9 tonnes of fish had been taken from the area of the Fishery in each of those financial years;

- (d) the fish referred to in (c) were recorded as having been taken by demersal gillnet or demersal longline on statutory returns furnished to the Department prior to 31 December 1993; and
- (e) the applicant applies for a permit before 31 July 1997.

Duration of permits

16. A permit expires on 31 May of the year for which it was issued.

Fees for application and issue of permits

17. (1) The fee set out in Part 1 of Schedule 5 opposite a particular type of application is the fee to be paid to make that application.

(2) The fee set out in Part 2 of Schedule 5 is the fee to be paid in respect of the grant or renewal of that permit.

Items that may be specified on a permit

18. A permit granted or renewed in respect of the Fishery may specify the following—

- (a) name and business address of the holder of the permit;
- (b) name of the licensed fishing boat, licensed fishing boat number and length of any licensed fishing boat which may be used for fishing in the Fishery under the authority of that permit;
- (c) the permit number;
- (d) the date of expiry of the permit;
- (e) the name of the interim managed fishery to which the permit refers;
- (f) the type of gear permitted to be used under the authority of the permit;
- (g) the total time gear unit allocation of the boat specified on the permit;
- (h) the number of gear units that may be used in a particular month;
- (i) the minimum mesh size of demersal gillnet which may be used;
- (j) the maximum depth in meshes of the demersal gillnet which may be used; and
- (k) any conditions imposed on the permit.

Scheme of entitlements

19. (1) Entitlements that may be conferred by permits shall be expressed in terms of Class 1 gear units or Class 2 gear units.

(2) A Class 1 gear unit or a Class 2 gear unit confers on the permit holder the right to use a specified amount of demersal gillnet or demersal longline in the waters of the Fishery.

(3) The number of Class 1 gear units that are to be allocated to and conferred by a permit before 1 December 1997, whether a Class A permit or a Class B permit, when that permit is first issued shall be calculated using the following formula—

$$\frac{IC}{TCO} \times 500$$

where—

IC = the sum of the fish taken (whole weight) expressed in tonnes caught by the applicant using a demersal gillnet or demersal longline in the waters specified in Schedule 1 during the period commencing 1 July 1988 and ending 30 June 1991 as determined by the statutory returns furnished to the Department prior to 31 December 1993 under the authority of the fishing boat licence held by the applicant.

TCO = the sum of the fish taken (whole weight) expressed in tonnes caught by demersal gillnet or demersal longline in the waters specified in Schedule 1 during the period commencing 1 July 1988 and ending 30 June 1991 as determined from the statutory returns furnished to the Department prior to 31 December 1993.

(4) Notwithstanding the provisions of subclause (3), at a time which is later than the date a calculation made in accordance with that subclause is made, but before 31 May 1998, the Executive Director must calculate the number of gear units to be allocated to and conferred by a permit using the following formula—

$$\frac{IC}{TCP} \times 675 \quad (\text{less } 50\% \text{ of the Class 1 units converted by a Class B permit holder in accordance with clause 20.})$$

where—

IC = the sum of the fish taken (whole weight) expressed in tonnes caught by the applicant using a demersal gillnet or demersal longline in the waters specified in Schedule 1 during the period commencing 1 July 1988 and ending 30 June 1991 as determined by the statutory returns furnished to the Department prior to 31 December 1993 under the authority of the fishing boat licence held by the applicant.

TCP = the sum of the fish taken (whole weight) expressed in tonnes caught by demersal gillnet or demersal longline by all permit holders in the waters specified in Schedule 1 during the period commencing 1 July 1988 and ending 30 June 1991 as determined from statutory returns furnished to the Department prior to 31 December 1993.

(5) If, as a result of a calculation made in accordance with subclause (4), the number of gear units conferred by a permit is different to the number of gear units conferred by that permit following the calculation made in accordance with subclause (3), the Executive Director may vary that permit to reflect that change in gear unit allocation.

(6) A person who is the holder of a Class B permit may, before 31 August 1997, in accordance with clause 20 apply to vary that permit by converting all the Class 1 gear units on that Class B permit to Class 2 gear units.

(7) The maximum number of Class 2 gear units that may be conferred by all the permits in force in respect of the Fishery shall be restricted to the total number of Class 2 gear units that are conferred in accordance with clause 20.

(8) The number of Class 2 gear units conferred by a permit must not be varied except as provided for in clause 20(2).

(9) If the result of the calculation made in subclause (3) or (4) is not a whole number, any fraction greater than half is rounded upwards, and any other fraction is rounded downwards, to a whole number.

Criteria for the variation of a permit

20. (1) The criteria to be satisfied before a permit shall be varied are—

- (a) if the application to vary the permit is to convert Class 1 gear units into Class 2 gear units then—
 - (i) the application to vary must be made and received at the Department before 31 August 1997;
 - (ii) the number of Class 2 gear units to be conferred by the permit shall be equal to the number of time/gear units that are specified on the JASDGNDLMF licence held by that person; and
 - (iii) the application must be in respect of a Class B permit;
- (b) if the application is to vary the permit by converting longline units to gillnet units or gillnet units to longline units then the application must be to either—
 - (i) convert all the longline units endorsed on the permit to gillnet units; or
 - (ii) convert all the gillnet units endorsed on the permit to longline units.
- (c) if the application to vary the permit is to renominate fishing time and method then the renomination must only refer to the period that the permit is in force and—
 - (i) the authorised boat referred to in that permit—
 - (A) must be a total loss;
 - (B) must be damaged as a result of a natural disaster; or
 - (C) is to be used in an approved scientific survey;
 - (ii) there is a transfer of gear units made in accordance with clause 22 and at the time the application to transfer and the relevant application to vary are received by the Executive Director—
 - (A) the specified units relate to a future month in the period that the permit is in force; or
 - (B) the specified units relate to the current or past month in the period that the permit is in force and the application for variation nominates that the gear units are to be allocated to a past month in the period that the transferee's permit is in force;
 - (iii) there is a temporary transfer of gear units made in accordance with clause 23;
 - (iv) a permit is transferred and the application to vary refers only to specified units which, at the time the application is received by the Executive Director, relate to a future month in the period that the permit is in force;
 - (v) a permit has been renewed with a time gear unit allocation made in accordance with clause 25 (5) and the permit holder wishes to change that nomination; or
 - (vi) the Executive Director is satisfied that a new nomination is appropriate.

(2) If—

- (a) the number of total time/gear units that are specified on a JASDGNDLMF licence is reduced;
- (b) the licensee of a licence as described in (a) also holds a Class B permit; and
- (c) the number of Class 2 gear units on the Class B permit are more than the number of time/gear units conferred by the JASDGNDLMF licence,

then the Executive Director may vary the permit such that the number of Class 2 gear units specified on the Class B permit is the same number of gear units as the number of time/gear units conferred by the JASDGNDLMF licence.

Minimum entitlement holding and continuing access

21. (1) From 31 May 1998, a person shall not fish in the Fishery under the authority of a permit which confers and which specifies less than 5 gear units.

(2) It shall be grounds for the Executive Director to cancel a permit if, after 1 June 1998, a permit confers an entitlement of less than 5 gear units.

(3) Units which are endorsed on a permit cancelled in accordance with subclause (2) must not be reassigned or allocated to another permit.

Grounds for refusal to transfer entitlement

22. (1) The Executive Director may refuse to transfer part of an entitlement from one permit to another permit if the proposed transfer—

- (a) is not for the transfer of a whole number of gear units;
- (b) will confer an entitlement of less than 5 gear units on the permit from which the units are being transferred;
- (c) will confer an entitlement of more than 132 gear units on the permit to which the units are being transferred;
- (d) is for the transfer of Class 2 gear units;
- (e) is for the transfer of Class 1 units from a Class B permit.

(2) If the Executive Director transfers all the entitlement from a permit the Executive Director may cancel that permit.

Temporary transfer of entitlement

23. (1) Where the holder of a Class A permit applies to transfer specified gear units for a limited period and—

- (a) gives notice that the nomination made under clause 25 in respect of that permit should cease to have effect; and
- (b) applies for a new nomination of gear units taking into account the proposed temporary transfer,

the Executive Director, subject to subclause (2) may transfer those gear units for a specified period.

(2) An application made under subclause (1) must—

- (a) be for a whole number of gear units;
- (b) be for gear units which at the time the application is received by the Executive Director, relate to a future nominated time in the period that the permit is in force;
- (c) not confer an entitlement of less than 5 gear units on the permit from which they are being transferred; and
- (d) not confer an entitlement of more than 132 gear units on the permit to which the units are being transferred.

Grounds to cancel a Class B permit

24. It shall be grounds for the Executive Director to cancel a Class B permit if—

- (a) the holder of that permit, for any reason also ceases to hold a JASDGNDLMF licence; or
- (b) the permit holder also holds a JASDGNDLMF licence and that licence is transferred to another person and the permit is not transferred simultaneously to that same person.

Nomination of fishing time and method

25. (1) Subject to subclause (2), the holder of a permit must nominate the months in which they will fish in the Fishery in the following year and specify the number of gear units that will be used in a specified month.

(2) The holder of a Class B permit must nominate the same months and specify the same number of gear units to be used in a particular month as is specified on, or nominated for use under, the JASDGNDLMF licence that, under the authority of which, the permit holder will be fishing in the Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery.

(3) A nomination must be made each year at a time specified in a notice made by the Executive Director in writing to all licence holders.

(4) A nomination made under subclause (1) shall be made on the form approved by the Executive Director for that purpose.

(5) If a nomination is not made at the time specified by the Executive Director pursuant to subclause (1) or at the same time as a permit is renewed then, if the permit is renewed, the permit shall be renewed specifying the same gear unit allocation that was specified on the permit—

- (a) when it last expired; or
- (b) when it last expired as if a temporary transfer made in accordance with clause 23 had not been made.

(6) The maximum number of gear units that may be nominated or used in any one month is 11.

(7) A person shall not use—

- (a) more gear in the Fishery in any month than the number specified in gear units for that month on the permit; or
- (b) fish in any month which is not specified on the licence with a gear unit allocation.

Closed areas within the Fishery

26. A person shall not fish using a demersal gillnet or a demersal longline in the Fishery at any time in the waters specified in Schedule 4.

Offences and major provisions

27. A person who contravenes a provision of—

- (a) clause 9, 10, 11, 12, 13, 21, 25(7) or 26;
- (b) clause 25(1), 25(2) or 25(3),

commits an offence and for the purposes of section 75 of the Act the provisions specified in paragraph (a) are major provisions.

Schedule 1**Description of the Fishery**

All Western Australian waters off the west coast between 26° south latitude and 33° south latitude.

Schedule 2**Zones of the Fishery**

Zone 1—All Western Australian waters off the west coast between 32° 41' south latitude and 26° south latitude.

Zone 2—All the waters of the Fishery.

Schedule 3**(Clause 15(2))**

All Western Australian waters bounded by a line commencing at the intersection of 32° south latitude and 115° east longitude; thence east to the intersection of 32° south latitude and 116° east longitude; thence south to the intersection of 33° south latitude and 116° east longitude; thence west to the intersection of 33° south latitude and 115° east longitude; thence north to the commencement point.

Schedule 4**Closed waters**

The waters of the Indian Ocean at the Abrolhos Islands within the baselines declared by proclamation of the Governor General of Australia under section 7 of the Seas and Submerged Lands Act 1973 and published in the Commonwealth of Australia Gazette No. S29 on 9 February 1983.

Schedule 5**Fees****Part 1. Application Fees—**

- (a) application \$210
- (b) renewal \$55
- (c) transfer \$310
- (d) variation \$310

Part 2. Fees payable for the grant or renewal of a—

- (a) permit which confers Class 1 units (per unit).....\$54.00
- (b) permit which confers Class 2 units (per unit).....\$27.00

Dated this 29th day of May 1997.

MONTY HOUSE, Minister for Fisheries.



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