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FISH RESOURCES MANAGEMENT ACT 1994

**SOUTH COAST PURSE SEINE
MANAGEMENT PLAN AMENDMENT (No. 3)
1997**

**SOUTH COAST PURSE SEINE
MANAGEMENT PLAN AMENDMENT (No. 4)
1997**

FISH RESOURCES MANAGEMENT ACT 1994

South Coast Purse Seine Management Plan Amendment (No. 3) 1997

FD 144/97 [141]

Made by the Minister under section 54(2).

Citation

1. This amendment may be cited as the *South Coast Purse Seine Management Plan Amendment (No. 3) 1997*.

Principal Plan

2. In this amendment the *South Coast Purse Seine Management Plan 1994** is referred to as the principal Plan.

Clause 6A deleted and substituted

3. Clause 6A of the principal Plan is deleted and the following clause substituted—

“Criteria to be satisfied before a licence may be granted

6A. (1) Subject to subclause (2) no licence is to be granted after the commencement of this amendment.

(2) The Executive Director may grant a licence authorising a person to fish in Zone 4 where all the following criteria are satisfied—

- (a) the person is the holder of a fishing boat licence which was in force in respect of a fishing boat which was used during the period 1 March 1992 to 31 December 1993 to take for sale a minimum of 50 tonnes of small pelagic fish from the waters of Zone 4;
- (b) the fish referred to in (a) were sold; and
- (c) complete and correct returns were furnished under and in accordance with section 18 of the *Fisheries Act 1905* in respect of the fish referred to in (a) and (b).”

Clause 7 amended

4. Clause 7 of the principal Plan is amended by—

- (a) inserting “(1)” before “Unless other means”; and
- (b) inserting after subclause (1) the following—

“(2) A person must not use a purse seine net from an authorised boat to fish for an amount of small pelagic fish that is greater than the amount of small pelagic fish that can be—

- (a) brought aboard the authorised boat; and
- (b) landed ashore and consigned to a person who has authority to process the fish.”

Clause 9 amended

5. Clause 9 of the principal Plan is amended by deleting subclause (6).

Clause 10A inserted

6. The principal Plan is amended by inserting after Clause 10 the following—

“Capacity of the fishery

10A. (1) The capacity of—

- (a) Zones 1 and 2 (combined);
- (b) Zone 3; and
- (c) Zone 4,

shall be determined annually by the Executive Director and in aggregate shall be taken to be the capacity of the fishery.

(2) Each determination made under subclause (1) shall be made—

- (a) after taking account of any advice of the Department’s Director Research Services;
- (b) by reference to the maximum quantity of small pelagic fish, measured in tonnes, which in the Executive Director’s opinion may properly be taken from the relevant waters; and
- (c) for a year commencing on 1 April and before the commencement of that year.

(3) Each determination made under subclause (1)—

- (a) must be published in the Gazette within 14 days of the making of the determination;
- (b) must identify the period to which the determination will relate; and
- (c) revokes any previous determination for that period.”

Clause 11 amended

7. Clause 11 of the principal Plan is amended in subclause (1) by deleting “Clause 6” and substituting the following—

“Clause 6A”.

Clause 12A inserted

8. The principal Plan is amended by inserting after Clause 12 the following—

“Units of temporary entitlement

12A. (1) A licence which conferred Class A, B or A and B units of entitlement upon last renewal shall, on the commencement of this amendment, confer additional units of entitlement designated as Class TD units of entitlement—

- (a) in number equal to the number of Class A, B or A and B units that were endorsed on the licence when it was renewed; and
- (b) each of which entitles the taking of 2,500 kilograms of small pelagic fish from Zone 4 on or before 15 March 1998.

(2) A licence provided for in Schedule 7 which conferred Class C units of entitlement upon last renewal shall, on the commencement of this amendment, confer additional units of entitlement designated as Class TC units of entitlement—

- (a) in accordance with the number provided for in Schedule 7; and
- (b) each of which entitles the taking of 8,000 kilograms of small pelagic fish from Zone 3 on or before 15 March 1998.

(3) A Class TC or TD unit of entitlement is a unit of entitlement for the purposes of paragraphs (a) and (c) of subclause 12(8).”.

Clause 18 amended

9. Clause 18 of the principal Plan is amended by inserting after “6,” the following—

“7(2),”.

Schedule 2 amended

10. Schedule 2 of the principal Plan is amended in the item commencing “Zone 2” by deleting “All the waters on the south coast of the State between Point D’Entrecasteaux” and inserting the following—

“All WA waters off the south coast of Western Australia between Cape Leeuwin”.

Schedule 6 amended

11. Schedule 6 of the principal Plan is amended by—

- (a) deleting “all or any of Zones 1,2 or 5 or any combination of those zones” and substituting “either or both of Zones 1 and 2.”;
- (b) deleting “all or any of Zones 2 or 5 or any combination of those zones” and substituting “Zone 2.”;
- (c) deleting “all or any of Zones 3 or 5 or any combination of those zones” and substituting “Zone 3.”; and
- (d) deleting “all or any of Zones 4 or 5 or any combination of those zones” and substituting “Zone 4.”.

Schedule 7 inserted

12. The principal Plan is amended by inserting after Schedule 6 the following—

“Schedule 7

| South Coast Purse Seine Managed Fishery Licence No. | No. of units of entitlement |
|---|-----------------------------|
| 2224 (LFBA32) | 12 |
| 2171 (LFBA40) | 5 |
| 2192 (LFBA113) | 8 |
| 2188 (LFBA249) | 10 |
| 2219 (LFBA260) | 9 |
| 2241 (LFBA267) | 8 |
| 2180 (LFBA288) | 11”. |

*[*Published in the Gazette of 22 February 1994. For amendments to 20 May 1997 see Notice No. 708 published in the Gazette of 23 May 1995, Notice No. 714 published in the Gazette of 16 June 1995, Notice No. 727 published in the Gazette of 29 September 1995, the South Coast Purse Seine Management Plan Amendment 1996 published in the Gazette of 9 February 1996, the South Coast Purse Seine Management Plan Amendment (No. 2) 1996 published in the Gazette of 29 March 1996, the South Coast Purse Seine Management Plan Amendment 1997 and the South Coast Purse Seine Management Plan Amendment (No. 2) 1997 published in the Gazette of 27 March 1997. See regulation 183 of the Fish Resources Management Regulations 1995 concerning the citation of notices under the Fisheries Act 1905 immediately before the commencement of those regulations.]*

Dated this 29th day of May 1997.

MONTY HOUSE, Minister for Fisheries.

FISH RESOURCES MANAGEMENT ACT 1994

South Coast Purse Seine Management Plan Amendment (No. 4) 1997

FD 144/97 [141]

Made by the Minister under section 54(2).

Citation

1. This amendment may be cited as the *South Coast Purse Seine Management Plan Amendment (No. 4) 1997*.

Commencement

2. This amendment shall commence operation on 15 March 1998.

Principal Plan

3. In this amendment the *South Coast Purse Seine Management Plan 1994** is referred to as the principal Plan.

Clause 3 amended

4. Clause 3 of the principal Plan is amended by—
- (a) deleting the item commencing “exhausted”; and
 - (b) inserting after the item commencing “purse seine net” the following item—
“quota unit” means one tonne of small pelagic fish;”.

Clause 10 deleted

5. Clause 10 of the principal Plan is deleted.

Clause 11 amended

6. Clause 11 of the principal Plan is amended by deleting paragraph (f) of subclause (6) and substituting the following paragraph—

- “(f) the number and class of units conferred by the licence and the type of quota units allocated in respect of the licence, and the zones of the fishery in which the holder of the licence may operate; and”.

Clause 12 amended

7. Clause 12 of the principal Plan is amended by—
- (a) deleting subclause (8) and substituting the following subclause—
“(8) On the next renewal after the commencement of this amendment, and not otherwise, of a licence provided for in Schedule 7 the licence shall be taken to confer additional Class C units of entitlement in accordance with the number provided for in Schedule 7.”; and
 - (b) deleting subclause (9) and substituting the following subclauses—
“(9) The Executive Director may refuse an application for the transfer of a Class A, B, C or D unit of entitlement on the grounds that—
 - (a) the application is not in respect of a whole number of units; or
 - (b) in the event of the transfer a licence would confer less than 8 units of a particular class of entitlement.
“(10) The Executive Director may cancel a licence on the ground that it does not confer any unit of entitlement of any class.”.

Clause 13 deleted and substituted

8. Clause 13 of the principal Plan is deleted and the following clause substituted—

“Quota

13. (1) In any year for which a licence is granted or renewed, the extent of the entitlement to fish arising from each Class A, B, C or D unit of entitlement shall be limited by reference to an allocation of quota units as provided for in subclause (3).

(2) The holder of a licence, or person acting on that persons behalf, must not fish in a zone of the fishery unless the amount of small pelagic fish taken under the authority of the licence from the zone is less than the extent of the quota units that relate to that zone and are endorsed on the licence.

(3) The quota units to be allocated in respect of a licence shall be—

- (a) of the type provided for in subclause (4), and
- (b) in number equal to the Unit Value provided for in subclause (5)

(4) For the purposes of subclause (3)(a) the type of quota unit arising from a Class A, B, C or D unit of entitlement shall be a Type 1, 2, 3 or 4 quota unit respectively, subject to any notice made by the Executive Director and published in the *Gazette* before the grant or renewal of the licence.

(5) For the purposes of subclause (3)(b) the Unit Value shall be calculated as follows—

$$\text{Unit Value} = \frac{\text{No. of Tonnes TACC}}{\text{Units}}$$

rounded down to the nearest whole number,

where—

“TACC” means the sum of the capacities of all the zones of the fishery as determined in accordance with clause 10A, and

“Units” means the total number of Class A, B, C and D units conferred by and endorsed on all the licences immediately before the commencement of the year to which clause 10A relates, and for the year commencing on 1 April 1998 shall include the Class C units of entitlement provided for in subclause 12(8).

(6) A Type 1, 2, 3 or 4 quota unit relates to Zones 1 and 2, 2, 3 or 4 respectively.

(7) The Executive Director may refuse to transfer a quota unit from under a licence on the ground that if the transfer were given effect to then the extent of the quota units that would be endorsed on the licence after the transfer would be less than the amount of small pelagic fish taken under the authority of the licence from the zone of the fishery to which the quota units relate.”

Schedule 6 deleted

9. Schedule 6 of the principal Plan is deleted.

*[*Published in the Gazette of 22 February 1994. For amendments to 20 May 1997 see Notice No. 708 published in the Gazette of 23 May 1995, Notice No. 714 published in the Gazette of 16 June 1995, Notice No. 727 published in the Gazette of 29 September 1995, the South Coast Purse Seine Management Plan Amendment 1996 published in the Gazette of 9 February 1996, the South Coast Purse Seine Management Plan Amendment (No. 2) 1996 published in the Gazette of 29 March 1996 and the South Coast Purse Seine Management Plan Amendment 1997 and the South Coast Purse Seine Management Plan Amendment (No. 2) 1997 published in the Gazette of 27 March 1997. See regulation 183 of the Fish Resources Management Regulations 1995 concerning the citation of notices under the Fisheries Act 1905 immediately before the commencement of those regulations.]*

Dated this 29th day of May 1997.

MONTY HOUSE, Minister for Fisheries.

