



WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

4909



PERTH, FRIDAY, 29 AUGUST 1997 No. 147 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.45 PM

FISH RESOURCES MANAGEMENT ACT 1994

SOUTH COAST PURSE SEINE MANAGEMENT PLAN AMENDMENT (No. 5) 1997

FD 1086/97 [171]

Made by the Minister under section 54(2).

Citation

1. This Plan may be cited as the *South Coast Purse Seine Management Plan Amendment (No. 5) 1997*.

Principal Plan

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

Clause 3 amended

3. Clause 3 of the principal Plan is amended by—

- (a) deleting the item commencing “authorised boat” and substituting the following—

“authorised boat” means—

 - (a) a licensed fishing boat the name and licensed fishing boat number of which are specified in a licence; or
 - (b) a boat specified in a written authority under regulation 132 where that boat is to be used in the place of a boat described in (a);
- (b) inserting after the item commencing “authorised boat” the following item—

“Catch and Disposal Record Book” means a book of triplicate consignment notes in a form approved for the purpose of clause 14 by the Executive Director;”;
- (c) inserting after the item commencing “commencement date” the following item—

“exhausted” means the authority to take fish which is conferred by the licence and expressed in terms of units of entitlement has been exercised in whole or in part in respect of specified units;”;
- (d) inserting after the item commencing “purse seine net” the following item—

“regulations” means the *Fish Resources Management Regulations 1995*;”;
- (e) deleting the items commencing “quota”, “quota period”, “unallocated units”, “unit”, “Zone 1 units”, “Zone 2 units”, “Zone 3 units” and “Zone 4 units”;
- (f) inserting after the item commencing “transfer” the following item—

“unit of entitlement” means a Zone 1 unit of entitlement, a Zone 2 unit of entitlement, a Zone 3 unit of entitlement or a Zone 4 unit of entitlement, as the case may be;”;
- (g) inserting after the item commencing “zone” the following items—

“Zone 1 unit of entitlement” means the quantity of 5,500 kilograms of small pelagic fish;
 “Zone 2 unit of entitlement” means the quantity of 5,500 kilograms of small pelagic fish;
 “Zone 3 unit of entitlement” means the quantity of 10,000 kilograms of small pelagic fish;
 “Zone 4 unit of entitlement” means the quantity of 10,000 kilograms of small pelagic fish.”; and
- (h) inserting after subclause (2) the following—

“(3) Unless the contrary intention appears the following words have the meanings provided for in the regulations—

“licensed fishing boat”; and
 “licensed fishing boat number”.

Clause 5 amended

4. Clause 5 of the principal Plan is amended in paragraph (a) by deleting "professional fisherman's" and substituting the following—
"commercial fishing".

Clause 6 deleted and substituted

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

"Criteria to operate a boat in the Fishery

6. A person must not use a boat in a Zone of the waters of the Fishery unless the boat is an authorised boat."

Clause 6A inserted

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

"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

7. 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.

(3) A person who has taken any fish from the waters of the Fishery must not return the fish to WA waters unless it is not possible to bring and keep the fish aboard the authorised boat and to land the fish ashore."

Clause 9 amended

8. Clause 9 of the principal Plan is amended by—

- (a) deleting subclause (4) and substituting the following subclause—

"(4) The Executive Director may, by notice published in the Gazette, prohibit fishing in a Zone of the Fishery for the period specified in the notice if in the opinion of the Executive Director the prohibition is necessary for the protection of the any part of the stocks of small pelagic fish or is required in the better interests of the Fishery."; and

- (b) inserting after subclause (6) the following—

"(7) A person must not fish in a Zone of the Fishery at a time when fishing in the Zone has been prohibited by a notice made under subclause (4)."

Clause 10 deleted and substituted

9. Clause 10 of the principal Plan is deleted and the following clause substituted—

"Fishing in a Zone

10. (1) A person shall not operate in a Zone of the Fishery unless the person is authorised to fish in the Fishery by a licence which specifies not less than 8 units of entitlement in respect of that Zone.

(2) Notwithstanding subclause (1), a person may operate in Zone 2 of the Fishery under the authority of a licence which specifies not less than 8 Zone 1 units of entitlement.

(3) Notwithstanding subclause (1), a person may operate in Zone 5 of the Fishery under the authority of a licence which specifies not less than 8 Zone 1, Zone 2, Zone 3 or Zone 4 units of entitlement."

Clause 11 amended

10. Clause 11 of the principal Plan is amended—

- (a) in subclauses (1) by deleting "Clause 6" and substituting the following—

"Clause 6A";

- (b) by deleting paragraph (f) of subclause (6) and substituting the following paragraph—

"(f) the number and type of units of entitlement specified on the licence, and the Zones of the Fishery in which the holder of the licence may operate; and"; and

- (c) by deleting subclauses (7) and (8).

Clause 12 deleted and substituted

11. Clause 12 of the principal Plan is deleted and the following clause substituted—

“Units of entitlement

12. (1) The authority to fish for small pelagic fish conferred by a licence which is in force on the date of commencement of this amendment shall be limited by reference to a specified quantity of small pelagic fish expressed in terms of units of entitlement.

(2) The numbers of Zone 1 or Zone 2 units of entitlement that shall be specified on a licence shall be equal to the numbers of ‘Class A’ or ‘Class B’ units respectively that were specified on the licence on 20 August 1997.

(3) The numbers of Zone 3 or Zone 4 units of entitlement that shall be specified on a licence shall be equal to four fifths (eighty (80) per centum) of the numbers of ‘Class C’ or ‘Class D’ units respectively that were specified on the licence on 20 August 1997.

(4) The number of units of entitlement that may be specified on a licence granted in accordance with clause 6A(2) is 20 Zone 4 units of entitlement, provided that where the total amount of small pelagic fish the subject of the relevant returns described in clause 6A(2)(c) is not less than 210 tonnes the number of Zone 4 units of entitlement that shall be specified on the licence is the quotient of the number of tonnes divided by 10 rounded down to the nearest whole number.”.

Clause 12A inserted

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

“Grounds for refusal to transfer units of entitlement or to cancel a licence

12A. (1) The Executive Director may refuse an application for the transfer of a unit of entitlement on the grounds that—

- (a) the application is not in respect of a whole number of units;
- (b) in the event of the transfer a licence would confer less than 8 units of a particular type of unit of entitlement; or
- (c) the entitlement to take fish, to which the unit relates, has been exhausted.

(2) In the event that all the units of entitlement are transferred from a licence the Executive Director may cancel the licence.”.

Clause 13 deleted and substituted

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

“Quota

13. (1) A person shall not take small pelagic fish from the waters of the Fishery other than in accordance with a unit of entitlement specified on a licence.

(2) The authority conferred by a licence to fish for small pelagic fish in the Fishery shall be of no effect unless, from the date of last renewal of the licence, the amount of small pelagic fish taken from the waters of the Fishery under the authority or purported authority of the licence is less than the units of entitlement specified on the licence.”.

Clause 14 deleted and substituted

14. Clause 14 of the principal Plan is deleted and the following clause substituted—

“Catch and Disposal Records

14. The master of an authorised boat shall, whenever small pelagic fish are taken—

- (a) complete in triplicate, in Part A of a consignment note in a Catch and Disposal Record Book, details of any small pelagic fish landed ashore;
- (b) complete the consignment note within 30 minutes of landing ashore the small pelagic fish and shall not allow any of those fish to be removed from that place of landing unless the consignment note is completed;
- (c) cause the original copy of the completed consignment note to accompany any small pelagic fish taken under the authority of the licence from the place of landing to the place of the processor specified on that consignment note;
- (d) forward, within 24 hours of landing ashore the small pelagic fish, the duplicate copy of the completed consignment note to the Regional Office of the Fisheries Department that is nearest to the place of landing;
- (e) retain the triplicate copy of the completed consignment note in the Catch and Disposal Record Book and produce the Catch and Disposal Record Book to a Fisheries Officer on demand;
- (f) retain all three copies of any cancelled, spoiled or unused consignment notes in the Catch and Disposal Record Book; and
- (g) not deliver or allow to be delivered any small pelagic fish for the purpose of sale to any processor or place other than the processor and place specified on a completed consignment note.”.

Clause 18 deleted and replaced

15. Clause 18 of the principal Plan is deleted and the following clause replaced—

“Offences

18. A person who contravenes a provision of clause 5, 6, 7, 8, 9, 10, 13 or 14 commits an offence.”.

*[*Published in the Gazette of 22 February 1994. For amendments to 20 August 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 published in the Gazette of 27 March 1997, the South Coast Purse Seine Management Plan Amendment (No. 2) 1997 published in the Gazette of 27 March 1997, the South Coast Purse Seine Management Plan Amendment (No. 3) 1997 published in the Gazette of 6 June 1997 and the South Coast Purse Seine Management Plan Amendment (no. 4) 1997 published in the Gazette of 6 June 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 28th day of August 1997.

MONTY HOUSE, Minister for Fisheries.

