



WESTERN
AUSTRALIAN
GOVERNMENT
Gazette

3007



PERTH, FRIDAY, 29 MAY 1998 No. 107

SPECIAL

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

FISH RESOURCES MANAGEMENT ACT 1994

WEST COAST DEMERSAL GILLNET AND DEMERSAL LONGLINE INTERIM MANAGED
FISHERY MANAGEMENT PLAN AMENDMENT 1998

FD 729/98 [220]

Made by the Minister under section 54(2).

Citation

1. This amendment may be cited as the *West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan Amendment 1998*.

Principal Plan

2. In this amendment the *West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan 1997** is referred to as the principal Plan.

Clause 12 amended

3. Subclause 12(2) of the principal Plan is deleted.

Clause 19 amended

4. Subclause 19 of the principal Plan is amended—

(a) by inserting after subclause (3) the following—

“(3a) The number of Class 1 gear units that are to be allocated to and conferred by a permit, on or after 31 May 1998, whether a Class A permit or a Class B permit, when that permit is first issued shall be calculated using the formula—

$$\frac{IC \times (675 - B)}{TCA}$$

where—

IC = 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 and which are relevant to the application for the grant of the permit, as determined from statutory returns furnished to the Department prior to 31 December 1993.

TCA = 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 and which are relevant to all the applications made for the grant of a permit (including where a permit has been issued) that have not been refused at the time the permit is issued, as determined from statutory returns furnished to the Department prior to 31 December 1993.

B = 50% of the sum of the number of Class 1 units that would have been allocated to each Class B permit that has been issued and would be allocated to each Class B permit that might subsequently be issued (assuming it were to be issued), where the holder of the permit has applied or could apply in accordance with subclause 20(1) to convert Class 1 units into Class 2 units, if the formula for calculating the number of Class 1 units allocated to those permits was —

$$\frac{IC \times 675}{TCA}$$

where IC and TCA have the meanings provided for in this subclause, and the number is rounded in accordance with subclause (9).

- (3b) Where on 31 May 1998 a permit is in force and the holder of the permit has not applied and cannot apply in accordance with subclause 20(1) to convert Class 1 units into Class 2 units, and the permit is renewed during the calendar year of 1998, the permit shall confer an additional number of Class 1 units calculated using the following formula—

$$\frac{[IC \times (675 - B)] - N}{TCA}$$

where—

IC has the meaning provided for in subclause (3a).

TCA = 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 and which are relevant to all the applications made for the grant of a permit (including where a permit has been issued) that have not been refused, as determined from statutory returns furnished to the Department prior to 31 December 1993.

B = 50% of the sum of the number of Class 1 units that would have been allocated to each Class B permit issued as at 31 May 1998 and would have been allocated to each Class B permit that as at 31 May 1998 could have subsequently been issued (assuming it were to be issued), where the holder of the permit has applied or would have been able to apply in accordance with subclause 20(1) to convert Class 1 units into Class 2 units, if the formula for calculating the number of Class 1 units allocated to those permits was —

$$\frac{IC \times 675}{TCA}$$

where IC and TCA have the meanings provided for in this subclause, and the number is rounded in accordance with subclause (9).

N = the number of Class 1 units allocated to and conferred by the permit on 31 May 1998.”.

- (b) by deleting subclause (4) and substituting the following—

- “(4) Not earlier than 21 days and not later than 30 days after all applications for a permit have been decided and all relevant permits have been issued, each permit in respect of which no application under subclause 20(1) was made to convert Class 1 units into Class 2 units shall confer an additional number of Class 1 units calculated using the following formula—

$$\frac{[IC \times (675 - B)] - N}{TCP}$$

where—

IC has the meaning provided for in subclause (3a).

TCP = 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 and which were relevant to all the successful applications for the grant of a permit, as determined from statutory returns furnished to the Department prior to 31 December 1993.

B = 50% of the sum of the number of Class 1 units that would have been allocated to each Class B permit issued where the holder of the permit has applied to convert Class 1 units into Class 2 units, if the formula for calculating the number of Class 1 units to be allocated to those permits was —

$$\frac{IC \times 675}{TCP}$$

where IC and TCP have the meanings provided for in this subclause, and the number is rounded in accordance with subclause (9).

N = the number of Class 1 units allocated to and conferred by the permit at the time that the Executive Director gives effect to this subclause.”.

- (c) in subclause (9) by inserting after “(3)” the following—

“, (3a), (3b) ”.

Clause 20 amended

5. Clause 20 of the principal Plan is amended in subclause (1) by deleting “1997” and substituting the following—

“1997, or where the permit was first issued after 1 May 1998 within 14 days after the permit was first issued”.

Clause 21 deleted and substituted

6. Clause 21 of the principal Plan is deleted and the following clause substituted—

“Minimum entitlement holding and continuing access

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

(2) Units which are endorsed on a permit cancelled in accordance with subclause (1) must not be reassigned or allocated to another permit.”.

Clause 23 amended

7. Clause 23 of the principal Plan is amended in subclause (2) by deleting “5 gear units” and substituting the following—

“1 gear unit”.

Clause 25 amended

8. Clause 25 of the principal Plan is amended by deleting subclause (7) and substituting the following subclause—

“(7) A person shall not—

- (a) use more gear in the Fishery in any month than the number specified in gear units for that month on the permit;
- (b) fish in any month which is not specified on the permit with a gear unit allocation; or
- (c) use a demersal gillnet and a demersal longline in the same month.”.

[*Published in the Gazette of 30 May 1997.]

Dated this 28th day of May 1998.

MONTY HOUSE, Minister for Fisheries.



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