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FISH RESOURCES MANAGEMENT ACT 1994

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**SHARK BAY SCALLOP FISHERY  
MANAGEMENT PLAN  
AMENDMENT 2000**

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**SHARK BAY PRAWN FISHERY  
MANAGEMENT PLAN AMENDMENT  
(No. 2) 2000**

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**SHARK BAY SCALLOP FISHERY—  
NOTICE OF CLOSURE OF AREAS  
WITHIN THE FISHERY**



**FISH RESOURCES MANAGEMENT ACT 1994****SHARK BAY SCALLOP FISHERY MANAGEMENT PLAN AMENDMENT 2000**

FD 271/00 [366]

Made by the Minister under section 54.

**Citation**

1. This amendment may be cited as the *Shark Bay Scallop Fishery Management Plan Amendment 2000*.

**Principal Plan**

2. In this amendment the *Shark Bay Scallop Management Plan 1994\** is referred to as the principal Plan.

**Arrangement amended**

3. The arrangement to the principal Plan is amended by—

- (a) deleting item 9 and inserting the following item instead—  
“ 9. Closure of areas within the Fishery ”;
- (b) inserting after item 15 the following items—  
“ 15A. Notification to enter the Fishery  
15B. Notification to enter closed waters ”;
- (c) deleting item 22 and inserting the following item instead—  
“ 22. Requirement for the installation of an Automatic Location Communicator ”;  
and
- (d) deleting the items that commence “Schedule 1”, “Schedule 2”, “Schedule 3”, “Schedule 4” and “Schedule 5” and inserting the following instead—  
“ Schedule 1—The Fishery  
Schedule 2—Closed waters—Clause 9  
Schedule 3—Nursery Areas  
Schedule 4—Trialling Areas  
Schedule 5—Port Areas  
Schedule 6—Fees ”.

**Clause 3 amended**

4. Clause 3 of the principal Plan is amended by inserting the following definitions in the appropriate alphabetical positions—

“**ALC**” means an Automatic Location Communicator as defined in regulation 55A of the regulations that is capable of transmitting to the Executive Director at any time accurate information as to the geographical position, course and speed of the authorised boat that it is installed on;

“**approved directions for use**” means the directions for use of an ALC given by the Executive Director in a notice in writing to the holder of a licence;

“**Port Area**” means the area within 3 nautical miles of the locations specified in Schedule 5; ”.

**Clause 9 replaced**

5. Clause 9 of the principal Plan is repealed and the following clause inserted instead—

**“Closure of areas within the Fishery**

9. (1) The Executive Director may, where he considers it to be in the better interests of the Fishery to do so, make a written determination that fishing in any specified area or areas of the Fishery is prohibited.

(2) A determination made under subclause (1)—

- (a) may only be made after consultation with the licence holders;
- (b) may be made to apply at all times or at any specified time;
- (c) must state the dates, times and areas where fishing is prohibited in the Fishery;
- (d) must be given to each holder of a licence which authorizes the holder to fish in the Fishery; and
- (e) takes effect on the day a notice made in accordance with subclause (4) is published in the *Gazette* or at such later date as specified in that notice.

(3) A person may, upon request to the Executive Director, obtain a copy of the determination free of charge from the place and during the hours specified in the notice made in accordance with subclause (4).

(4) A notice advising that the Executive Director has made a determination under subclause (1) must—

- (a) be published in the *Gazette*;
- (b) state that a determination has been made, amended or revoked as the case may be; and

- (c) state that a copy of the determination may be obtained from, or inspected at, the Head Office of the Department in Perth or the offices of the Department at Carnarvon or Denham.

(5) A person must not fish in any part of the Fishery at a time when fishing in that part of the Fishery has been prohibited by a determination made in accordance with this clause.

(6) A person fishing in the fishery from a class A boat must not fish in the waters described in Schedule 2.

(7) A person must not fish at any time in the waters described in Schedule 3. ”.

#### **Clause 15 amended**

6. Clause 15 of the principal Plan is amended—

- (a) in subclause (2) by deleting “Schedule 5” and inserting the following instead—  
“ Schedule 4 ”;
- (b) in paragraph (a) of subclause (4) by deleting—  
(i) “notice” and inserting the following instead—  
“ determination ”;
- (ii) “clause 10” and inserting the following instead—  
“ clause 9 ”; and
- (iii) “permits” and inserting the following instead—  
“ does not prohibit ”; and
- (c) in paragraph (b) of subclause 4 by deleting “notice” and inserting the following instead—  
“ determination ”.

#### **Clauses 15A and 15B inserted**

7. The principal Plan is amended by inserting after clause 15 the following clauses—

##### **“Notification to enter the Fishery**

15A. (1) The master of an authorised boat must not permit that boat to be outside a Port Area and in the waters of the Fishery unless a notification to enter the fishery has been made and is in effect in accordance with this clause.

(2) A notification to enter the fishery must—

- (a) be made by the use of an ALC in accordance with any relevant requirement specified in the approved directions for use; and
- (b) state that the boat is, or is not, to be used to fish in the Fishery.

##### **Notification to enter closed waters**

15B. (1) Subject to subclause (3), the master of an authorised boat must not permit that boat to enter or be under way in any area of the Fishery where fishing is prohibited unless a notification to enter closed waters has been made.

(2) A notification to enter closed waters must be made to the Fisheries Department by ALC in accordance with any relevant requirement in the approved directions for use and be made—

- (a) before the boat enters any area where fishing is prohibited; or
- (b) before the boat is under way in any area of the Fishery where fishing is prohibited provided that the boat was, immediately prior to being under way, anchored in those waters regardless of whether or not fishing was prohibited in those waters at the time the boat was anchored.

(3) The master of an authorised boat does not have to provide a notification in accordance with subclause (1) if, following a notification to enter the Fishery made in accordance with clause 15A, that boat is being used to travel directly through an area where fishing is prohibited to an area where fishing is permitted. ”.

#### **Clause 22 replaced**

8. Clause 22 of the principal Plan is repealed and the following clause is inserted instead—

##### **“Requirement for the installation of an Automatic Location Communicator**

22. (1) For the purpose of this clause “approved” and “approved person” have the same meaning as provided for in regulation 55A of the regulations.

(2) The holder of a licence must not permit the authorised boat specified on that licence to be used in the Fishery unless—

- (a) an ALC has been installed on that boat in accordance with the approved directions for use and by an approved person;
- (b) the ALC installed on that boat has been serviced in accordance with the approved directions for use, by an approved person and at intervals specified by the Executive Director in the approved directions for use;

- (c) that person has given a legible copy of the approved directions for use to the master of that authorised boat; and
- (d) the ALC installed on that boat is being used in the manner specified in the approved directions for use.

(3) It is a condition of the licence that an authorised boat referred to in subclause (2) must not be used in the Fishery by the holder of the licence or a person acting on that person's behalf unless an ALC is fitted to the boat and serviced in accordance with subclause (2) and the approved directions for use are being complied with.

(4) It is a condition of a licence that regulation 55C of the regulations is complied with at all times. ”.

#### **Clause 24 amended**

9. Clause 24 of the principal Plan is amended in subclause (1) by deleting “Item 5” and inserting the following instead—

“ Item 6 ”.

#### **Clause 24A replaced**

10. Clause 24A of the principal Plan is repealed and the following clause inserted instead—

##### **“Offences and major provisions**

24A. A person who contravenes a provision of clause—

- (a) 15A; or
- (b) 5, 6, 8, 9, 11, 14, 15, 15B, 19, 20, 22 or 24(4),

commits an offence and for the purposes of section 75 of the Act the provisions described in subclause (b) are major provisions. ”.

#### **Schedules replaced**

11. Schedules 1 to 5 of the principal Plan are repealed and the following Schedules inserted instead—

“

##### **Schedule 1 (The Fishery)**

All waters of the Indian Ocean and Shark Bay between 23° 34' south latitude and 26° 30' south latitude and adjacent to Western Australia on the landward side of a line commencing at the intersection of 23° 34' south latitude and 113° 03.37' east longitude; thence continuing south westerly along the geodesic to the intersection of 23° 36' south latitude and 113° 02' east longitude; thence south westerly along the geodesic to the intersection of 24° 06' south latitude and 112° 37' east longitude; thence south westerly along the geodesic to the intersection of 24° 25' south latitude and 112° 25' east longitude; thence south westerly along the geodesic to the intersection of 24° 39' south latitude and 112° 19' east longitude; thence southerly along the geodesic to the intersection of 25° 00' south latitude and 112° 14' east longitude; thence southerly along the geodesic to the intersection of 25° 33' south latitude and 112° 12' east longitude; thence southerly along the geodesic to the intersection of 26° 00' south latitude and 112° 18' east longitude; thence south easterly along the geodesic to the intersection of 26° 24' south latitude and 112° 30' east longitude; thence south easterly along the geodesic to the intersection of 26° 30' south latitude and 112° 33.25' east longitude, being the end point of the line, together with those waters of Shark Bay south of 26° 30' south latitude.

##### **Schedule 2 (Closed waters—clause 9)**

All waters of the Fishery east of 113° 30.6' east longitude.

##### **Schedule 3 (Nursery Areas)**

That area of the Fishery—

- i) south of a line drawn due east along the parallel from the intersection of 26° 00.94' south latitude and 113° 17.97' east longitude (being the northern extremity of Cape Bellefin) to Peron Peninsular, at the intersection of 26° 00.94' south longitude and 113° 34.5' east longitude; and
- ii) south and east of a line commencing at the intersection of 25° 30.2' south latitude and 113° 30.6' east longitude; thence extending north along the meridian to 25° 20.4' south latitude; thence south easterly along the geodesic to the intersection of 25° 26' south latitude and 113° 40' east longitude; thence east along the parallel to the intersection of 25° 26' south latitude and 113° 55.5' east longitude (being the intersection of the coastline at mean high water of Western Australia).
- iii) bounded by a line commencing at the intersection of 24° 45.3' south latitude and 113° 09.59' east longitude (high water mark at Cape Ronsard on Bernier Island); thence northerly along the geodesic to the intersection of 24° 44.9' south latitude and 113° 09.68' east longitude (the high water mark on the northernmost point on Koks Island); thence south easterly along the geodesic to the intersection of 24° 45.3' south latitude and 113° 10.5' east longitude; thence southerly along the geodesic to the intersection of 24° 49' south latitude and 113° 11' east longitude; thence southerly along the geodesic to the intersection of 24° 52.75' south latitude and 113° 10.25' east longitude; thence

south along the meridian to the intersection of 24° 56.8' south latitude and 113° 10.25' east longitude; thence southerly along the geodesic to the intersection of 24° 58.5' south latitude and 113° 09' east longitude; thence south easterly along the geodesic to the intersection of 25° 11' south latitude and 113° 18' east longitude; thence south along the meridian to the intersection of 25° 13' south latitude and 113° 18' east longitude; thence south westerly along the geodesic to the intersection of 25° 20.5' south latitude and 113° 14.5' east longitude; thence southerly along the geodesic to the intersection of 25° 24.25' south latitude and 113° 16' east longitude; thence south westerly along the geodesic to the intersection of 25° 31.25' south latitude and 113° 09.75' east longitude; thence westerly along the geodesic to the intersection of 25° 30' south latitude and 113° 01.4' east longitude (the coastline at mean high water of Cape Levillian on Dirk Hartog Island); thence generally in a north westerly direction along the coastline to the intersection of 25° 28.87' south latitude and 112° 58.28' east longitude (mean high water of Cape Inscription); thence north easterly along the geodesic to the intersection of 25° 16.4' south latitude and 113° 04.6' east longitude (mean high water at Cape St Cricq on Dorre Island); thence generally northerly along the coastline on the eastern side of Dorre Island to the intersection of 24° 59.5' south latitude and 113° 07.1' east longitude (mean high water at Cape Boullanger); thence northerly along the geodesic to the intersection of 24° 59.2' south latitude and 113° 07.18' east longitude (mean high water at Cape Couture on Bernier Island); thence generally northerly along the coastline on the eastern side of Bernier Island to the commencement point.

#### **Schedule 4 (Trialing Area)**

That area of the Fishery bounded by a line commencing at the intersection of 24° 52.75' south latitude and 113° 25' east longitude and extending south along the meridian to the intersection of 24° 55.75' south latitude and 113° 25' east longitude; thence east along the parallel to the intersection of 24° 55.75' south latitude and 113° 28.25' east longitude; thence north along the meridian to the intersection of 24° 52.75' south latitude and 113° 28.25' east longitude; thence west along the parallel to the commencement point.

#### **Schedule 5 (Port Areas)**

##### **Item 1 (Carnarvon)**

The intersection of 24° 53.934' south latitude and 113° 39.071' east longitude (T jetty, Fishing Boat Harbour).

##### **Item 2 (Denham)**

The intersection of 25° 55.71' south latitude and 113° 31.99' east longitude (Service jetty, Denham). "

*[\*Published in the Gazette of 26 April 1994. For amendments to 28 March 2000 see Notice No. 717 published in the Gazette of 20 June 1995, the Shark Bay Scallop Management Plan Amendment 1996 published in the Gazette of 12 July 1996 and the Shark Bay Scallop Management Plan Amendment 1997 published in the Gazette of 14 March 1997. See regulation 183 of the Fish Resources Management Regulations 1995 concerning the citation of notices made under the Fisheries Act 1905 immediately before the commencement of those regulations.]*

Dated this 1st day of May 2000.

MONTY HOUSE, Minister for Fisheries.

**FISH RESOURCES MANAGEMENT ACT 1994**  
**SHARK BAY PRAWN FISHERY MANAGEMENT PLAN**  
**AMENDMENT (No. 2) 2000**

FD 272/00 [367]

Made by the Minister under section 54.

**Citation**

1. This amendment may be cited as the *Shark Bay Prawn Fishery Management Plan Amendment (No. 2) 2000*.

**Principal Plan**

2. In this amendment the *Shark Bay Prawn Management Plan 1993\** is referred to as the principal Plan.

**Clause 21A replaced**

3. Clause 21A of the principal Plan is repealed and the following clause inserted instead—

**“Offences and major provisions**

21A. of the principal Plan is repealed and the following clause inserted instead—

**“Offences and major provisions**

21A. A person who contravenes a provision of clause—

(a) 13A; or

(b) 4, 5, 10, 11, 13, 13B, 14, 17, 18, 20 or 21(4),

commits an offence and for the purposes of section 75 of the Act the provisions described in paragraph (b) are major provisions. ”.

*[\*Published in the Gazette of 12 March 1993. For amendments to 12 April 2000 see Notice No. 643 published in the Gazette of 4 March 1994, Notice No. 659 published in the Gazette of 17 June 1994, Notice No. 702 published in the Gazette of 24 March 1995, Notice No. 716 published in the Gazette of 20 June 1995, the Shark Bay Prawn Management Plan Amendment 1996 published in the Gazette of 22 March 1996, the Shark Bay Prawn Management Plan Amendment (No. 2) 1996 published in the Gazette of 12 July 1996, the Shark Bay Prawn Management Plan Amendment 1997 published in the Gazette of 14 March 1997 and the Shark Bay Prawn Fishery Management Plan Amendment 2000 published in the Gazette of 14 March 2000. See regulation 183 of the Fish Resources Management Regulations 1995 concerning the citation of notices made under the Fisheries Act 1905 immediately before the commencement of those regulations.]*

Dated this 1st day of May 2000.

MONTY HOUSE, Minister for Fisheries.

**FISH RESOURCES MANAGEMENT ACT 1994****SHARK BAY SCALLOP MANAGED FISHERY MANAGEMENT PLAN 1994****Clause 9 Closures of Areas Within the Fishery**

I, Peter Rogers, Executive Director of Fisheries Western Australia, in accordance with clause 9 of the *Shark Bay Scallop Management Plan 1994* hereby give notice that I have determined the dates and times that fishing for scallops is prohibited in the Shark Bay Scallop Managed Fishery during the period commencing from the date of gazettal of this notice and ending on 1 June 2001 (*Determination No. 1 of 2000*).

A Copy of the determination which is signed by me may be obtained from, or inspected at, the Head Office of the Department located at 168 St Georges Terrace, Perth, or the offices of the Department at 82 Olivia Terrace, Carnarvon, or Knight Terrace, Denham.

Dated this 27th day of April 2000.

P. P. ROGERS, Executive Director.

