



WESTERN
AUSTRALIAN
GOVERNMENT
Gazette

373



PERTH, TUESDAY, 22 JANUARY 2002 No. 14 SPECIAL

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

© STATE OF WESTERN AUSTRALIA

FISH RESOURCES MANAGEMENT ACT 1994

**SOUTH COAST ESTUARINE
FISHERY (INTERIM)
MANAGEMENT PLAN 2001**

FISH RESOURCES MANAGEMENT ACT 1994**SOUTH COAST ESTUARINE FISHERY (INTERIM) MANAGEMENT PLAN 2001****Arrangement****PART 1—PRELIMINARY**

1. Citation
2. Commencement
3. Cessation
4. Interpretation
- 5 Procedure before this Plan may be amended or revoked

PART 2—THE FISHERY

6. Identification and Declaration
7. Areas

PART 3—PERMITS

8. Criteria for the grant of a permit
9. Duration of permits
10. Fees
11. Items that must be specified on a permit
12. Variation of a permit—criteria
13. Grounds to refuse to transfer a permit

PART 4—CAPACITY OF THE FISHERY

14. Capacity of the Fishery

PART 5—GENERAL REGULATION OF FISHING

15. Persons prohibited from fishing in the Fishery
16. Prohibition on selling, dealing in or purchasing fish
17. Closure of areas within the Fishery
18. Entitlement to fish in Beaufort Inlet

PART 6—USE OF GEAR AND BOATS

19. Fishing by means of nets—general restrictions
20. Fishing by means of crab pots or fish traps—general restrictions
21. Other general fishing and gear restrictions
22. Use of boats

PART 7—MISCELLANEOUS

23. Offences and major provisions

SCHEDULES

- Schedule 1—Description of the Fishery
- Schedule 2—Areas of the Fishery
- Schedule 3—Controlled fishing areas and periods (nets)
- Schedule 4—Fish trap and crab pot specifications
- Schedule 5—Permitted areas to use fish traps and crab pots
- Schedule 6—Fees

FISH RESOURCES MANAGEMENT ACT 1994**SOUTH COAST ESTUARINE FISHERY (INTERIM) MANAGEMENT PLAN 2001**

FD1226/01 [395]

Made by the Minister under section 54.

PART 1—PRELIMINARY**Citation**

1. This plan may be cited as the *South Coast Estuarine Fishery (Interim) Management Plan 2001*.

Commencement

2. This plan will commence operation on 1 July 2002.

Cessation

3. This plan will cease to have effect on 30 June 2005.

Interpretation

4. (1) In this 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);

“auxiliary boat” means an authorised boat that is not specified on a permit as the primary fishing boat;

“calendar year” means the period commencing 1 January in any year and ending 31 December in the same year;

“Fishery” means the South Coast Estuarine Interim Managed Fishery identified in clause 6;

“fishing unit” means one primary fishing boat and not more than 4 auxiliary boats that may be used in association with that primary fishing boat;

“measured length” means the measured length of the authorised boat as defined by and determined in accordance with the Department of Transport Instruction to Surveyors notice 7/87 (reworked 1994) effective 21 September 1994 as reworked or superseded from time to time;

“mesh size” means the size of the mesh of a fishing net as measured in accordance with regulation 45 of the regulations;

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

“primary fishing boat” means the authorised boat used primarily for or in conjunction with fishing under the authority of a permit and is specified on the permit as the primary fishing boat;

“public holiday” has the same meaning as defined in the *Interpretation Act 1984*;

“razor shell” means a mollusc of the genus *Pinna*;

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

“shellfish” means cockles, mussels and razor shells;

“statutory fishing returns” means—

- (a) a written return made under and in accordance with section 18 of the *Fisheries Act 1905* and received by the Western Australian Fisheries Department;
- (b) a return made under and in accordance with regulation 64 of the regulations.

- (2) In this plan, unless the contrary intention appears, the following terms and fish have the same meanings as provided for in—

- (a) regulation 3 of the regulations—

“fishing boat licence”;
“licensed fishing boat number”;
“sunrise” and “sunset”;

- (b) regulation 49 of the regulations—

“set”;

- (c) Schedule 7 of the regulations—

“black bream”;
“cobbler”;
“cockles”;
“mussels”.

Procedure before this Plan may be amended or revoked

5. For the purposes of section 65 of the Act, all the permit holders of the Fishery are the persons to be consulted before this management plan is amended or revoked.

PART 2—THE FISHERY**Identification and Declaration**

6. (1) The Fishery to which this Plan relates is fishing by any means in the waters described in Schedule 1 and may be referred to as the South Coast Estuarine Fishery.

(2) The Fishery is an interim managed fishery.

Areas

7. The Fishery is divided into the Areas described in Schedule 2.

PART 3—PERMITS**Criteria for the grant of a permit**

8. The criteria to be satisfied before the Executive Director may grant a person a permit are that—

- (a) on 30 June 2002 the person was the holder of one or more fishing boat licences that, as at 30 June 2002, were endorsed with a condition which specified that the boat named on the licence was licensed to be used to take fish for sale in the South Coast Estuarine Fishery; and
- (b) the person applies for a permit before 31 August 2002.

Duration of permits

9. A permit expires on 30 June next following the date of its grant or renewal.

Fees

10. (1) The fee set out in Schedule 6 is the fee to be paid in respect of the grant or renewal of a permit.
- (2) Where a licence is renewed as provided under section 139(1) of the Act an additional fee of 20% of the fee payable on the issue of the licence is payable by way of penalty.

Items that must be specified on a permit

11. A permit must specify the following—

- (a) the name and business address of the holder of the permit;
- (b) the name, licensed fishing boat number and the measured length of any licensed fishing boat which may be used for or in connection with fishing in the Fishery under the authority of that permit and whether the boat is the primary fishing boat or an auxiliary boat;
- (c) the permit number;
- (d) the period for which the permit is in force;
- (e) the name of the fishery to which the permit refers;
- (f) fishing that may be undertaken under the authority of the permit that may otherwise be prohibited in accordance with clause 21;
- (g) any conditions imposed on the permit by the Executive Director.

Variation of a permit—criteria

12. (1) For the purposes of section 142(3) of the Act the criteria to be satisfied before the Executive Director is to vary a permit to authorise the use of fish traps are that the applicant—

- (a) is the person who was granted that permit under clause 8; and
- (b) can demonstrate by statutory fishing returns received by the Department prior to 31 December 2000 in relation to the fishing boat licence that was used to satisfy the criteria for the grant of the permit, that fish traps were used at least once in each of 4 separate calendar years during the 10 year period commencing 1 January 1990 and ending 31 December 1999.

(2) For the purposes of section 142(3) of the Act the criteria to be satisfied before the Executive Director is to vary a permit to authorise the holder of the permit to fish for shellfish are that the applicant was, on 30 June 2002, the holder of a commercial fishing licence and that licence was endorsed with a condition that was numbered 27 or 28 which permitted the holder of the licence to fish for shellfish.

Grounds to refuse to transfer a permit

13. The Executive Director may refuse to transfer a permit on the grounds that—

- (a) there are more than 15 permits granted in respect of the Fishery and in the Executive Director's opinion it would not be in the best interests of the Fishery if the transfer was granted; or
- (b) as at 30 June 2002 the proposed transferee was not the holder of a commercial fishing licence that was endorsed with condition number 17 which specified that the holder of that licence was authorised to engage in taking fish for sale in the South Coast Estuarine Fishery as a Trainee Fisherman.

PART 4—CAPACITY OF THE FISHERY**Capacity of the Fishery**

14. The capacity of the fishery in relation to the maximum—
- (a) amount of set net that may be used in the Fishery, is 39,000 metres;
 - (b) number of crab pots that may be used is 650; and
 - (c) number of fish traps that may be used is 50.

PART 5—GENERAL REGULATION OF FISHING**Persons prohibited from fishing in the Fishery**

15. (1) Subject to subclause (2), a person must not fish in the Fishery—
- (a) other than in accordance with this Plan; and
 - (b) unless the person is—
 - (i) the holder of a permit; or
 - (ii) the holder of a commercial fishing licence and is fishing concurrently with the holder of a permit.
- (2) A person fishing in accordance with the Act for a recreational purpose may fish in the waters described in Schedule 1.

Prohibition on selling, dealing in or purchasing fish

16. A person must not sell, deal in or purchase any fish taken from the Fishery unless the fish were taken by a person who is the holder of a commercial fishing licence fishing under the authority of a permit and in accordance with this Plan.

Closure of areas within the Fishery

17. (1) Notwithstanding the provisions of clauses 18, 19 and 21 the Executive Director may, by notice published in the Gazette, prohibit fishing by any means in any part of the Fishery for the period specified in the notice if, in the opinion of the Executive Director, the prohibition is required in the better interests of the Fishery.
- (2) A notice made in accordance with subclause (1)—
- (a) may only be made after consultation with all the permit holders;
 - (b) may be made to apply at all times or at any specified time; and
 - (c) revokes any previous notice made under that subclause.
- (3) 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 notice made under subclause (1).

Entitlement to fish in Beaufort Inlet

18. (1) The Executive Director shall, by means of a ballot, select the names of 3 permit holders who may fish in the waters of Beaufort Inlet (“the waters”) during the period 1 May to 1 November in any year (the “permitted period”).
- (2) A ballot described in subclause (1) must—
- (a) be held each year during the month of February in an office of the Department;
 - (b) result in the names of all the permit holders being drawn in sequence with the first three names drawn being entitled to fish in the waters during the permitted period during that year (the “successful permit holders”).
- (3) Following a ballot conducted in accordance with subclause (2) the Executive Director must, prior to 1 March and in a prominent position on a notice board in the Department of Fisheries Office in Albany, give notice of the names of—
- (a) the three successful permit holders, their permit numbers and the licensed fishing boat number of each boat the person may operate from in the Fishery; and
 - (b) the remainder of the permit holders in the order that they were drawn in the ballot with the fourth one drawn listed first, showing their permit number and the licensed fishing boat number of each boat that the person may operate from in the Fishery (the “unsuccessful permit holders”).
- (4) If a successful permit holder decides not to fish in the waters during the permitted period in the year they were selected then that permit holder must give notice to the Executive Director in writing of that decision before 15 April in that year.
- (5) The Executive Director, upon receiving notice from a permit holder in accordance with subclause (4), shall—
- (a) remove that permit holder from the list of successful permit holders;
 - (b) insert instead the details of the unsuccessful permit holder who is first on the list of the permit holders who were not successful and that person shall be deemed to be a successful permit holder; and
 - (c) remove the permit holder referred to in (b) from the list of unsuccessful permit holders.

(6) A person must not fish in the waters of Beaufort Inlet in any year unless their name, permit number and the relevant licensed fishing boat number are specified in a notice that—

- (a) on 1 May in that year, is displayed in accordance with subclause (3) as a successful permit holder for that year; and
- (b) prior to 1 May in that year, is published in a newspaper circulating generally throughout the southern area of the State.

PART 6—USE OF GEAR AND BOATS

Fishing by means of nets—general restrictions

19. (1) A person must not set or leave set any fishing net in the waters of the Fishery on any day during the period commencing 2 hours after sunrise and ending 1 ½ hours before sunset on the same day.

(2) The holder of a permit must not allow—

- (a) more than a total of six set nets to be used in the Fishery and on any boat or boats in the Fishery; or
- (b) more than a combined total of 1500 metres of set net to be used in the Fishery and on any boat or boats in the Fishery,

under the authority of that permit at any one time.

(3) Notwithstanding the provisions of subclause (2), the holder of a permit must not allow—

- (a) more than 3 set nets;
- (b) more than 1000 metres of set net; or
- (c) a set net with a mesh size of less than 76 millimetres,

to be used in the waters of Beaufort Inlet under the authority of that permit at any time.

(4) The holder of a permit must not allow more than a total of 500 metres of—

- (a) haul net;
- (b) seine net; or
- (c) haul net and seine net,

to be used in the Fishery or on any boat or boats in the Fishery under the authority of that permit at any one time.

(5) A person must not use a set net, haul net, seine net or throw net in any area at any time in the Described Areas in Schedule 3 other than—

- (a) in the permitted areas;
- (b) using the permitted means; and
- (c) subject to clause 21 (1) and subclause (1) of this clause, during the permitted period,

as specified in that Schedule.

(6) The holder of a permit must not allow more than a total of 500 metres of—

- (a) haul net;
- (b) seine net; or
- (c) haul and seine net,

to be used when fishing in conjunction with a person fishing under the authority of another permit.

(7) For the purposes of subclause (6) the holder of a permit is deemed to be fishing in conjunction with a person fishing under the authority of another permit when 2 or more persons operating in the Fishery under the authority of separate permits combine gear and/or fishing operations.

(8) A person fishing in the fishery by means of a haul net or seine net must not allow the net or the bunt of that net to be brought ashore or aboard a boat while there are fish still in that net.

(9) A person must not fish in the Fishery with a set net if that net has a mesh size less than 57 millimetres.

(10) Notwithstanding subclause (9) a person must not fish for cobbler by means of a set net with a mesh size less than 76 millimetres.

Fishing by means of crab pots or fish traps—general restrictions

20. (1) A person must not use a fish trap or crab pot at any time in any waters of the Fishery other than in the waters described in Schedule 5.

(2) A person must not use a fish trap in the Fishery if that fish trap does not conform with the specifications set out in Schedule 4.

(3) The holder of a permit must not allow the total number of fish traps being—

- (a) used in the Fishery from; and
- (b) carried on,

the authorised boat specified in that permit at any time to be more than the number of fish traps permitted to be used under the authority of that permit.

(4) A person must not use a crab pot which does not conform to the specifications described in Schedule 4.

(5) The holder of a permit must not allow the total number of crab pots being—

- (a) used in the Fishery from; and
- (b) carried on,

the authorised boat specified on that permit at any time to be more than 25.

(6) The holder of a permit must not allow any person fishing from an authorised boat specified on that permit to use, set or pull any crab pot or fish trap unless that crab pot or fish trap has attached to it a surface float which—

- (a) has a diameter of not less than 150 millimetres; and
- (b) is branded or stamped with the initial letter and the licensed fishing boat number for the boat that is being used to fish in the Fishery and each character of the brand or stamp is legible and measures not less than 60 millimetres high and 10 millimetres wide.

(7) The maximum number of fish traps that may be specified on a permit is 10.

Other general fishing and gear restrictions

21. (1) A person must not—

- (a) fish in the waters of the Fishery, or leave a crab pot, fish trap or net in the waters of the Fishery, at any time during the period—
 - (i) commencing 2 hours after sunrise each Saturday morning and ending 1 ½ hours before sunset on the following Sunday;
 - (ii) commencing 1½ hours before sunset on the evening previous to any public holiday except Anzac Day and the day proclaimed as the Albany Show Day and ending 1 ½ hours before sunset on that public holiday;
- (b) fish at any time by any means in any part of the Fishery which is not an Area of the Fishery as described in Schedule 2.

(2) A person must not use a fish trap in the Fishery unless they are fishing under the authority of a permit and the use of fish traps is specified on that permit as a permitted method of fishing.

(3) A person must not use a reel to set or pull any trap, pot or net.

(4) A person must not fish for shellfish unless they are the holder of a permit and that permit specifies that the holder may take shellfish.

(5) A person must not take shellfish in any Area other than Oyster Harbour, Princess Royal Harbour or Wilson Inlet.

(6) A person must not take shellfish by any means other than by hand without the use of an instrument.

Use of boats

22. (1) A person must not use a boat in the Fishery unless the boat is an authorised boat.

(2) A person must not use a boat in the Fishery if that boat is greater than 6.5 metres in measured length.

(3) The holder of a permit must not permit—

- (a) more than 2 auxiliary boats to be used with the primary fishing boat in the Fishery; or
- (b) more than two auxiliary boats to be used in the Fishery,

under the authority of that permit at any one time.

(4) If more than one boat from a fishing unit is being used in the Fishery at any one time then the holder of the permit must not allow the boats to be used other than in the same fishing operation.

(5) For the purposes of subclause (4) boats are being used to fish in the same fishing operation when the permit holder is physically involved and present in the fishing operation.

(6) The maximum number of auxiliary boats that may be specified on a permit is 4.

PART 7—MISCELLANEOUS

Offences and major provisions

23. A person who contravenes a provision of—

- (a) clause 15, 16, 17(3), 18(6), 19, 21 or 22; or
- (b) clause 18(4) or 20,

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

SCHEDULE 1

Description of the Fishery

The waters of all estuaries on the south coast of Western Australia between Cape Beaufort and 129° east longitude, including Princess Royal Harbour and Oyster Harbour, and all the rivers, streams and all the tributaries that flow into those estuaries.

SCHEDULE 2
Areas of the Fishery

The Areas of the Fishery are—

- (a) Broke Inlet;
- (b) Princess Royal Harbour;
- (c) Gordon Inlet;
- (d) Jerdacuttup Lakes;
- (e) Beaufort Inlet;
- (f) Irwin Inlet;
- (g) Oyster Harbour;
- (h) Hamersley Inlet;
- (i) Oldfield Inlet;
- (j) Wilson Inlet;
- (k) Waychinicup Inlet;
- (l) Culham Inlet;
- (m) Stokes Inlet,

and any estuarine waters of the rivers, streams and tributaries that flow into those waters.

SCHEDULE 3
Controlled fishing areas and periods (nets)

1. Described Area—Irwin Inlet and its tributaries

Permitted area—

All the waters of Irwin Inlet excluding the waters of all rivers, streams and creeks that flow into the inlet.

Permitted nets—

- (1) Subject to subclause (2) set nets, haul nets and throw nets.
- (2) Set net with a mesh size of not less than 89 millimetres when being used to fish for black bream.

Permitted period—

Commencing 1½ hours before sunset on 1 May in any year and ending 2 hours after sunrise on 1 November next following.

2. Described Area—Wilson Inlet and its tributaries

Permitted area—

All the waters of Wilson Inlet, excluding—

- (a) the waters of the Hay River and its tributaries and that portion of the waters of Wilson Inlet within a radius of 400 metres of the mouth of the Hay river;
- (b) the waters of the Sleeman river and its tributaries and that portion of the waters of Wilson Inlet within a radius of 400 metres of the mouth of the Sleeman River.
- (c) the waters of the Denmark River and its tributaries and that portion of the waters of Wilson Inlet within a radius of 800 metres of the mouth of the Denmark River; and
- (d) the waters situated between low water mark of Ratcliffe Bay (Southern Ocean) and a line joining the southernmost extremity of Reserve 12344 and the north eastern corner of Plantagenet Location 1828.

Permitted nets—

Set nets, haul nets, seine nets and throw nets.

Permitted period—

All year

3. Described Area—Princess Royal Harbour and its tributaries

Permitted Area—

All the waters of Princess Royal Harbour, excluding the waters bounded by a line commencing at a point situated at the intersection of the high water mark and the eastern side of the town jetty and continuing along the eastern side of the town jetty to its eastern most extremity; thence south easterly in a direct line to the north western extremity of the deep water jetty; thence generally northerly to the eastern-most extremity of the steel sheet piling forming the land section of the land backed berth (wharf); thence generally southwest and northeast and northwest along the seaward side of the wharf to a point situated at the intersection of the high water mark and the north western extremity of the land backed wharf; thence generally north westerly along the high water mark to the starting point.

Permitted nets—

Set nets, haul nets, seine nets and throw nets.

Permitted period—

All year.

4. Described Area—Broke Inlet and its tributaries

Permitted area—

All the waters of Broke Inlet and the waters of all rivers, streams and creeks that flow into the Inlet

Permitted nets—

Set Nets

Permitted period—

The period 1½ hours before sunset on 1 May in any year and ending 2 hours after sunrise on 1 November next following.

5. Described Area—Oyster Harbour and its tributaries

Permitted area A—

All the waters of Oyster Harbour excluding—

- (a) the waters of the King River, including all tributaries upstream from the south eastern side of the Lower King River Bridge (situated about 60 metres north westerly from Point Henty);
- (b) the waters of the Kalgan River including all tributaries upstream from the southern side of the Lower Kalgan River Bridge (situated about 60 metres north from White Island);
- (c) the waters of the channel entrance between King George Sound and Oyster Harbour south of a line drawn in an easterly direction from a point on the foreshore 200 metres north of Emu Point to a line drawn in an easterly direction from a point on the foreshore 200 metres south of Emu Point; and
- (d) the waters of Oyster Harbour lying south and west of a line drawn from the high water mark at Bayonet Head through the high water mark of the easternmost point of Green Island to the high water mark on the opposite shore.

Permitted nets—

Set nets, haul nets, seine nets and throw nets.

Permitted period—

All year

Permitted area B—

In the waters of Oyster Harbour lying south and west of a line drawn from the high water mark at Bayonet Head through the high water mark of the easternmost point of Green Island to the high water mark on the opposite shore but not including the waters within 400 metres of the high water mark of Green Island.

Permitted nets—

Set nets, haul nets, seine nets.

Permitted period—

- (a) Set nets may be used during the period commencing 1 ½ hours before sunset on 1 May in any year and ending 2 hours after sunrise on 1 November next following.
- (b) Haul nets may be used from 1800 hours on any day to 0700 hours next following throughout the year.

6. Described Area—Culham Inlet and its tributaries

Permitted area—

All the waters of the Culham Inlet excluding—

- (a) all the waters of the Phillips River and its tributaries upstream from a line drawn across the river due west from the western most corner of Oldfield Location 730; and
- (b) all the waters of the Steere River and its tributaries upstream from a line drawn across the river due west from the intersection of the northern side of road 7964 and the western boundary of Oldfield Location 73.

Permitted nets—

Set nets, haul nets, seine nets and throw nets.

Permitted period—

All year.

7. Described Area—Jerdacuttup Lakes and their tributaries

Permitted area—

All the waters of Jerdacuttup Lakes excluding the waters of the Jerdacuttup River including all tributaries upwards from its entrance into Jerdacuttup Lakes to its source.

Permitted nets—

Set nets, haul nets, seine nets and throw nets.

Permitted period—

All year.

8. Described Area—Beaufort Inlet and its tributaries

Permitted area—

All the waters of Beaufort Inlet downstream of a line drawn from Miller's Point due west to the high water mark of the opposite shore (the "Narrows").

Permitted nets—

Set nets

Permitted period—

Subject to clause 18, the period commencing 1 ½ hours before sunset on 1 May in any year and ending 2 hours after sunrise on 1 November in the same year.

9. Described Area—Stokes Inlet and its tributaries

Permitted area—

All the waters of Stokes Inlet excluding all the waters of the Young and Lort Rivers upstream from the bridges that cross those rivers at the South Coast Highway.

Permitted nets—

- (1) Subject to subclause (2) set nets, haul nets, seine nets and throw nets.
- (2) Set nets with a mesh size of not less than 100 millimetres or greater than 128 millimetres.

Permitted period—

- (a) Set nets—The period commencing on 1 ½ hours before sunset on 1 May in each year and ending on 2 hours after sunrise on 1 December next following.
- (b) Haul nets, seine nets and throw nets all year

10. Described Area—Gordon Inlet/Gairdner River and their tributaries

Permitted area A—

All the waters of Gordon Inlet excluding the waters of the Gairdner River upstream from the mouth of the River where it joins the Gordon Inlet.

Permitted nets—

Set nets, haul nets, seine nets and throw nets.

Permitted period—

All year.

Permitted area B—

All the waters of the Gairdner River upstream of the mouth of the River where it joins the Gordon Inlet and downstream of a line drawn across the River which joins the south eastern corner of Kent Location 1295 to the south western corner of Kent Location 1301.

Permitted nets—

Set nets and throw nets.

Permitted period—

The period commencing on 1½ hours before sunset on 1 April in each year and ending on 2 hours after sunrise on 1 December next following.

SCHEDULE 4

Fish trap and crab pot specifications

Fish traps

1. (1) A fish trap which has a circular base must not exceed, when measured externally—
 - (a) 110 centimetres in base diameter;
 - (b) 55 centimetres in height.
- (2) A fish trap which has a square or rectangular base must not exceed, when measured externally—
 - (a) 110 centimetres in base length;
 - (b) 85 centimetres in base width;
 - (c) 80 centimetres in height.
- (3) A fish trap must—
 - (a) not have any part of the trap, when measured horizontally, a diameter, length or width (as the case may be) that is greater than its base;
 - (b) not have more than two entrances;

- (c) have an exterior panel on a vertical plane of the fish trap that measures not less than 30 centimetres by 30 centimetres that is comprised of wire that is capable of rusting and—
 - (i) does not exceed 1 millimetre in diameter;
 - (ii) is not made of stainless steel;
 - (iii) is not covered by any synthetic coating.
 - (d) have securely fastened to it a tag which—
 - (i) is not greater than 15 centimetres in length or 6 centimetres in height; and
 - (ii) clearly displays the distinguishing letter and number allocated to the boat in accordance with regulation 118(3) of the regulations.
- (4) A panel as specified in subclause (3)(c) must not be covered in anyway that will prevent the ingress or egress of fish once the panel has rusted away.

Crab pots

2. Each crab pot must—

- (a) have two rings each of a diameter not greater than 1.16 metres;
- (b) when set, have a height between the rings of not greater than 450 millimetres; and
- (c) have securely fastened to it a tag which—
 - (i) is not greater than 15 centimetres in length or 6 centimetres in height; and
 - (ii) clearly displays the distinguishing letter and number allocated to the boat in accordance with regulation 118(3) of the regulations.

SCHEDULE 5

Permitted areas to use fish traps and crab pots

1. Oyster Harbour—All the waters of Oyster Harbour excluding—

- (a) the waters of the King River, including all tributaries upstream from the south eastern side of the Lower King River Bridge (situated about 60 metres north westerly from Point Henty);
- (b) the waters of the Kalgan River including all tributaries upstream from the southern side of the Lower Kalgan River Bridge (situated about 60 metres north from White Island);
- (c) the waters of the channel entrance between King George Sound and Oyster Harbour south of a line drawn in an easterly direction from a point on the foreshore 200 metres north of Emu Point to a line drawn in an easterly direction from a point on the foreshore 200 metres south of Emu Point; and
- (d) the waters of Oyster Harbour lying south and west of a line drawn from the high water mark at Bayonet Head through the high water mark of the easternmost point of Green Island to the high water mark on the opposite shore but not including the waters within 400 metres of the high water mark of Green Island.

2. Princess Royal Harbour—All the waters of Princess Royal Harbour, excluding the waters bounded by a line commencing at a point situated at the intersection of the high water mark and the eastern side of the town jetty and continuing along the eastern side of the town jetty to its eastern most extremity; thence south easterly in a direct line to the north western extremity of the deep water jetty; thence generally northerly to the eastern most extremity of the steel sheet piling forming the land section of the land backed berth (wharf); thence generally southwest and northeast and northwest along the seaward side of the wharf to a point situated at the intersection of the high water mark and the north western extremity of the land backed wharf; thence generally north westerly along the high water mark to the starting point.

SCHEDULE 6

Fee

Fee payable for the grant or renewal of a permit..... \$985.00

Dated this 14th day of January 2002.

KIM CHANCE, Minister for Agriculture, Forestry and Fisheries.

