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**FISH RESOURCES MANAGEMENT ACT 1994**

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**SHARK BAY SCALLOP FISHERY  
MANAGEMENT PLAN  
AMENDMENT 2003**

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**SHARK BAY PRAWN FISHERY  
MANAGEMENT PLAN  
AMENDMENT 2003**

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**EXMOUTH GULF PRAWN FISHERY  
MANAGEMENT PLAN  
AMENDMENT 2003**



## FISH RESOURCES MANAGEMENT ACT 1994

**SHARK BAY SCALLOP FISHERY MANAGEMENT PLAN  
AMENDMENT 2003**

FD 271/00 [499/517]

Made by the Minister under section 54.

**Citation**

1. This instrument may be cited as the *Shark Bay Scallop Fishery Management Plan Amendment 2003*.

**Management plan amended**

2. The amendments in this instrument are to the *Shark Bay Scallop Management Plan 1994\**.

**Arrangement amended**

3. The arrangement is amended by deleting—

- “15A. Notification to enter the Fishery
- 15B. Notification to enter closed waters”

and inserting the following items instead—

- “ 15A. Requirements relating to the installation of an ALC
- 15B. Requirements relating to nominations to be given by the use of an ALC ”.

**Clause 3 amended**

4. Clause 3 is amended by—

- (a) deleting the following in the definition of “ALC”—  
“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”;
- (b) deleting the following definitions—  
“approved directions for use”;  
“prawns”; and  
“Regulations”;
- (c) in the item commencing “try net” by deleting “5 metres.” and inserting instead—  
“ 5 metres; and ”; and
- (d) by inserting in the appropriate alphabetical order—  
“approved directions for use” means the directions for use of an ALC given by the Executive Director in a notice in writing to the master of an authorised boat or a licence holder;  
“calendar year” means a year commencing on 1 January;  
“Joint Trawl Management Advisory Committee” means the advisory committee established by the Minister under section 41 of the *Fish Resources Management Act 1994* on 8 January 2003;  
“prawn” means the fish of that common name described by the scientific classification opposite that name in Column 2 of Schedule 7 of the regulations;  
“regulations” means the *Fish Resources Management Regulations 1995*;  
“underway” means that a boat is not at anchor, or made fast to the shore or aground.”.

**Clause 10 amended**

5. Clause 10 is amended in subclause (2) by deleting “31 March” and inserting instead—  
“ 1 March ”.

**Clauses 15A and 15B deleted and inserted**

6. Clauses 15A and 15B are deleted and the following clauses are inserted instead—

**“ Requirements relating to the installation of an ALC**

15A. (1) For the purposes of this clause “approved” and “approved person” have the same meaning as provided for in regulation 55A of the regulations.

(2) A person must not use an authorised boat in the Fishery unless an ALC has been installed in that boat in accordance with the approved directions for use and by an approved person.

(3) A person must not use an authorised boat in the Fishery unless—

- (a) the ALC installed in 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;

- (b) the person has with them a legible copy of the approved directions for use; and
  - (c) the ALC is used in the manner specified in the approved directions for use.
- (4) It is a condition of a licence that the authorised boat must not be used in the Fishery unless—
- (a) an ALC is installed in the boat;
  - (b) the ALC is 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; and
  - (c) when the ALC is used it is used in the manner specified in the approved directions for use.
- (5) It is a condition of a licence that regulation 55C of the regulations is complied with at all times.

**Requirements relating to nominations to be given by the use of an ALC**

15B. (1) The master of an authorised boat must not, when intending to fish within the Fishery, use that boat—

- (a) to enter the waters of the Fishery; or
  - (b) outside a Port Area (as specified in Schedule 5) within the waters of the Fishery, at any time when any part of the Fishery is open to fishing unless—
- (c) a nomination of intention to enter the Fishery has been given to and received by the Department in respect of the boat; and
  - (d) the nomination referred to in (c) has not been revoked.
- (2) For the purposes of subclause (1) a nomination is revoked—
- (a) by a revocation of the nomination given by the master of the boat and received by the Department;
  - (b) if the boat leaves the waters of the Fishery; or
  - (c) at the end of the calendar year in which it is given,
- whichever is the earlier.

(3) At any time when fishing may be carried out in any part of the Fishery the master of an authorised boat must not permit or allow the boat to enter or be underway in any closed waters unless—

- (a) a nomination to enter or be underway, as the case may be, has been given to and received by the Department; and
  - (b) the nomination in (a) was given and received within the hour before the boat entered or commenced being underway in those waters.
- (4) For the purposes of this clause “closed waters” means—
- (a) waters that are not within an area of the Fishery in which fishing may be carried out under the relevant licence;
  - (b) waters in which fishing is prohibited by reason of a notice made under clause 9.
- (5) For the purposes of this clause any nomination or revocation must be made using an ALC in accordance with the approved directions for use.”.

**Clause 22 deleted**

7. Clause 22 is deleted.

**Clause 24A deleted and inserted**

8. Clause 24A is deleted and the following clause is inserted instead—

**“ Offences and major provisions**

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

- (a) 5, 6, 8, 9, 11, 14, 15, 15A(2), 15B(3), 19, 20 or 24(4); or
- (b) 15A(3) or 15B(1),

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

**Clause 24B deleted and inserted**

9. Clause 24B is deleted and the following clause is inserted instead—

**“ Procedure before this Plan may be amended**

24B. For the purposes of section 65(1) of the Act, the Joint Trawl Management Advisory Committee is the advisory committee and the licensees of the fishery are the persons that are to be consulted before this Plan is amended or revoked.”.

**Schedule 3 amended**

10. Schedule 3 is amended in item (i) by deleting “south longitude” and inserting instead—  
“ south latitude ”.

*[\*Published in the Gazette of 26 April 1994. For amendments to 19 February 2003 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, the Shark Bay Scallop Management Plan Amendment 1997*

*published in the Gazette of 14 March 1997 and the Shark Bay Scallop Management Plan Amendment 2000 published in the Gazette of 3 May 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 26th day of February 2003.

KIM CHANCE, Minister for Agriculture,  
Forestry and Fisheries.

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## FISH RESOURCES MANAGEMENT ACT 1994

**SHARK BAY PRAWN FISHERY MANAGEMENT PLAN  
AMENDMENT 2003**

FD 272/00 [498/518]

Made by the Minister under section 54.

**Citation**

1. This instrument may be cited as the *Shark Bay Prawn Fishery Management Plan Amendment 2003*.

**Management plan amended**

2. The amendments in this instrument are to the *Shark Bay Prawn Management Plan 1993\**.

**Arrangement amended**

3. The arrangement is amended by deleting—

“13A. Notification to enter the Fishery

13B. Notification to enter closed waters”

and inserting the following items instead—

“ 13A. Requirements relating to the installation of an ALC

13B. Requirements relating to nominations to be given by the use of an ALC ”.

**Clause 2 amended**

4. Clause 2 is amended by—

(a) deleting the following definitions—

“approved form”; and

“prawns”;

(b) deleting the following in the definition of “ALC”—

“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”;

(c) in the item commencing “try net” by deleting “5 metres.” and inserting instead—

“ 5 metres; and ”; and

(d) inserting in the appropriate alphabetical order—

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

“calendar year” means a year commencing on 1 January;

“Joint Trawl Management Advisory Committee” means the advisory committee established by the Minister under section 41 of the *Fish Resources Management Act 1994* on 8 January 2003;

“prawn” means the fish of that common name described by the scientific classification opposite that name in Column 2 of Schedule 7 of the regulations;

“underway” means that a boat is not at anchor, or made fast to the shore or aground. ”.

**Clause 5 deleted and inserted**

5. Clause 5 which is headed “Prohibition on fishing for prawns” is deleted and the following clause is inserted instead—

“ **Prohibition on fishing for prawns**

4. (1) Subject to subclause (2), a person shall not fish for prawns in the Fishery other than—

(a) in accordance with this Plan; and

(b) under the authority of a licence.

(2) A person fishing in accordance with the Act for a non-commercial purpose may fish for prawns in the waters described in Item 1 of the Schedule. ”.

**Clauses 13A and 13B deleted and inserted**

6. Clauses 13A and 13B are deleted and the following clauses are inserted instead—

“ **Requirements relating to the installation of an ALC**

13A. (1) For the purposes of this clause “approved” and “approved person” have the same meaning as provided for in regulation 55A of the regulations.

(2) A person must not use an authorised boat in the Fishery unless an ALC has been installed in that boat in accordance with the approved directions for use and by an approved person.

- (3) A person must not use an authorised boat in the Fishery unless—
- (a) the ALC installed in 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;
  - (b) the person has with them a legible copy of the approved directions for use; and
  - (c) the ALC is used in the manner specified in the approved directions for use.
- (4) It is a condition of a licence that the authorised boat must not be used in the Fishery unless—
- (a) an ALC is installed in the boat;
  - (b) the ALC is 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; and
  - (c) when the ALC is used it is used in the manner specified in the approved directions for use.
- (5) It is a condition of a licence that regulation 55C of the regulations is complied with at all times.

**Requirements relating to nominations to be given by the use of an ALC**

13B. (1) The master of an authorised boat must not, when intending to fish within the Fishery, use that boat—

- (a) to enter the waters of the Fishery; or
- (b) outside a Port Area (as specified in Item 5 of the Schedule) within the waters of the Fishery,

at any time when any part of the Fishery is open to fishing unless—

- (c) a nomination of intention to enter the Fishery has been given to and received by the Department in respect of the boat; and
- (d) the nomination referred to in (c) has not been revoked.

(2) For the purposes of subclause (1) a nomination is revoked—

- (a) by a revocation of the nomination given by the master of the boat and received by the Department;
- (b) if the boat leaves the waters of the Fishery; or
- (c) at the end of the calendar year in which it is given,

whichever is the earlier.

(3) At any time when fishing may be carried out in any part of the Fishery the master of an authorised boat must not permit or allow the boat to enter or be underway in any closed waters unless—

- (a) a nomination to enter or be underway, as the case may be, has been given to and received by the Department; and
- (b) the nomination in (a) was given and received within the hour before the boat entered or commenced being underway in those waters.

(4) For the purposes of this clause “closed waters” means—

- (a) waters that are not within an area of the Fishery in which fishing may be carried out under the relevant licence;
- (b) waters in which fishing is prohibited by reason of a notice made under Clause 10.

(5) For the purposes of this clause any nomination or revocation must be made using an ALC in accordance with the approved directions for use.”.

**Clause 20 deleted**

7. Clause 20 is deleted.

**Clause 21A deleted and inserted**

8. Clause 21A is deleted and the following clause is inserted instead—

**“ Offences and major provisions**

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

- (a) 4, 5, 10, 11, 13, 13A(2), 13B(3), 14, 17, 18 or 21(4); or
- (b) 13A(3) or 13B(1),

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

**Clause 21B deleted and inserted**

9. Clause 21B is deleted and the following clause is inserted instead—

**“ Procedure before this Plan may be amended**

21B. For the purposes of section 65(1) of the Act, the Joint Trawl Management Advisory Committee is the advisory committee and the licensees of the fishery are the persons that are to be consulted before this Plan is amended or revoked.”.

*[\*Published in the Gazette of 12 March 1993. For amendments to 19 February 2003 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, the Shark Bay Prawn Fishery Management Plan Amendment 2000 published in the Gazette of 14 March 2000, the Shark Bay Prawn Fishery Management Plan Amendment (No. 2) 2000 published in the Gazette of 3 May 2000 and the Shark Bay Prawn Fishery Management Plan Amendment 2002 published in the Gazette of 22 February 2002. 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 26th day of February 2003.

KIM CHANCE, Minister for Agriculture,  
Forestry and Fisheries.

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## FISH RESOURCES MANAGEMENT ACT 1994

**EXMOUTH GULF PRAWN FISHERY MANAGEMENT PLAN  
AMENDMENT 2003**

FD 1297/01 [516]

Made by the Minister under section 54.

**Citation**

1. This instrument may be cited as the *Exmouth Gulf Prawn Fishery Management Plan Amendment 2003*.

**Principal Plan**

2. The amendments in this instrument are to the *Exmouth Gulf Prawn Management Plan 1989\**.

**Clause 3 amended**

3. Clause 3 is amended by inserting in the appropriate alphabetical order—

“Joint Trawl Management Advisory Committee” means the advisory committee established by the Minister under section 41 of the *Fish Resources Management Act 1994* on 8 January 2003;”.

**Clause 20A deleted and inserted**

4. Clause 20A is deleted and the following clause is inserted instead—

**“Procedure before this Plan may be amended**

20A. For the purposes of section 65(1) of the Act, the Joint Trawl Management Advisory Committee is the advisory committee and the licensees of the Fishery are the persons that are to be consulted before this Plan is amended or revoked.”.

[\*Published in the Gazette of 17 March 1989. For amendments to 19 February 2003 see Notice No. 437 published in the Gazette of 23 February 1990, Notice No. 486 published in the Gazette of 5 April 1991, Notice No. 537 published in the Gazette of 20 March 1992, Notice No. 720 published in the Gazette of 27 June 1995, the Exmouth Gulf Prawn Management Plan Amendment 1996 published in the Gazette of 19 July 1996, the Exmouth Gulf Prawn Management Plan Amendment 1997 published in the Gazette of 14 March 1997, the Exmouth Gulf Prawn Management Plan Amendment 1999 published in the Gazette of 6 August 1999 and the Exmouth Gulf Prawn Management Plan Amendment 2002 published in the Gazette of 22 March 2002. 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 26th day of February 2003.

KIM CHANCE, Minister for Agriculture,  
Forestry and Fisheries.

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