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FISH RESOURCES MANAGEMENT ACT 1994

FISH RESOURCES MANAGEMENT AMENDMENT REGULATIONS (No. 6) 2004

SHARK BAY SNAPPER FISHERY **MANAGEMENT PLAN AMENDMENT 2004**

WEST COAST DEMERSAL GILLNET AND **DEMERSAL LONGLINE FISHERY** (INTERIM) MANAGEMENT PLAN **AMENDMENT (No. 2) 2004**

Fish Resources Management Act 1994

Fish Resources Management Amendment Regulations (No. 6) 2004

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Fish Resources* Management Amendment Regulations (No. 6) 2004.

2. Commencement

These regulations come into operation on 1 July 2004.

3. The regulations amended

The amendments in these regulations are to the *Fish Resources Management Regulations 1995**.

[* Reprinted as at 14 November 2003. For amendments to 21 April 2004 see Western Australian Legislation Information Tables for 2003, Table 4, p. 126, and Gazette 9 January, 17 February and 6 April 2004.]

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4. Schedule 1 amended

Schedule 1 is amended by deleting the Table in Part 3 Item 3 and inserting the following Table instead —

	Fees	\$
1.	Fish processor's licence	
	Types of processing establishments —	
	(a) processing establishment that is erected on land	
	that is used for processing either rock lobsters of	
	prawns	
	(b) processing establishment that is erected on land and	
	is used for processing both rock lobsters and prawn	
	(c) processing establishment that is erected on land	
	that is used for processing any fish including ro	
	(d) processing establishment that is erected on land	
	that is used for processing any fish including eit	
	rock lobsters or prawns	
	(e) processing establishment that is erected on land	
	that is used for processing any fish other than ro	
	lobsters and prawns	
	(f) seagoing processing establishment that is used s	
	for processing fish including rock lobsters and	•
	prawns taken by it	
	(g) seagoing processing establishment that is used s	solely
	for processing fish including rock lobsters and	
	prawns taken by other boats	
2.	Aquaculture licence	
	(a) any licence other than a licence referred to in	• • • •
	paragraph (b)	
	(b) a licence that authorises the aquaculture of mar	
	only and is subject to the condition that the sale	10
	 the marron is prohibited unless the marron — (i) are of a length not less than 76 mm; and 	
	(ii) are sold to a person who holds an aquact	ilture
	licence or fish processor's licence	

	Fees	\$
3. Ma	Managed fishery licence fees	
(1)	Abalone Managed Fishery (as defined in the <i>Abalone Management Plan 1992</i>), the sum obtained by multiplying the number of units of entitlement (as defined in that management plan) conferred by the licence by the fee for each unit, as follows — (a) for each Greenlip unit	47.20
(2)	 (b) for each Brownlip unit (c) for each Roe's unit 	47.20 12.88
(2)	Abrolhos Islands and Mid West Trawl Managed Fishery per gear unit (as defined in the <i>Abrolhos</i> <i>Islands and Mid West Trawl Management</i>	
(2a	Broome Prawn Managed Fishery Management	1 964.00
(3)	Plan 1999) Cockburn Sound (Crab) Managed Fishery (per pot) (as defined in the Cockburn Sound (Crab)	10 578.00
(4)	Management Plan 1995) Cockburn Sound (Fish Net) Managed Fishery (as defined in the Cockburn Sound (Fish Net)	39.00
(5)	Management Plan 1995) Cockburn Sound (Line and Pot) Managed Fishery (as defined in the Cockburn Sound (Line and Pot)	1 090.00
(6)	Management Plan 1995) Cockburn Sound (Mussel) Managed Fishery (as defined in the Cockburn Sound (Mussel)	85.56
(7)	Management Plan 1995) Esperance Rock Lobster Managed Fishery (per pot) (as defined in the <i>Esperance Rock Lobster</i>	115.00
(8)	Management Plan 1987) Exmouth Gulf Prawn Managed Fishery (as defined in the Exmouth Gulf Prawn Management Plan 1989)	56.05 29 494.00
(9)	Kimberley Gillnet and Barramundi Managed Fishery (per boat) (as defined in the <i>Kimberley Gillnet and</i>	
(10	 Barramundi Management Plan 1989) Kimberley Prawn Managed Fishery (as defined in the Kimberley Prawn Management Plan 1993) — 	3 035.00
	(a) for a Class 1 licence	1 045.00
	 (b) for a Class 2 licence (c) for a Class 3 licence 	1 045.00 5 000.00

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	Fees	\$
(11)	Marine Aquarium Fish Managed Fishery (as defined	
	in the Marine Aquarium Fish Management Plan 1995) —	
	(a) for an individual	901.00
(12)	(b) for a body corporate	901.00
(12)	Nickol Bay Prawn Managed Fishery (as defined in	(277 00
(12a)	the Nickol Bay Prawn Management Plan 1991)	6 277.00
(12a)	Northern Demersal Scalefish Fishery (as defined in	
	the Northern Demersal Scalefish Fishery	
	Management Plan 2000) — (a) for an "A" class licence	19.32
		19.52
	<i>d</i>	10 55
(12)	entitlement)	48.55
(13)	Onslow Prawn Managed Fishery (as defined in the	
	Onslow Prawn Management Plan 1991) — (a) for an "A" class licence	7 125 00
	(a) for a "B" class licence	7 125.00 2 267.00
	(c) for a "C" class licence	115.00
	(d) for a "D" class licence	115.00
(13a)	Pilbara Fish Trawl Interim Managed Fishery per fish	115.00
(15a)	trawl unit (as defined in the <i>Pilbara Fish Trawl Interim</i>	
	Managed Fishery Management Plan 1997)	6.46
		(12 months)
		3.01
		(6 months)
(14)	Pilbara Trap Managed Fishery (per trap unit) (as	(o monuis)
(14)	defined in the <i>Pilbara Trap Management Plan 1992</i>)	6.50
(15)	Shark Bay Beach Seine and Mesh Net Managed	0.50
(15)	Fishery per fishing unit (as defined in the <i>Shark Bay</i>	
	Beach Seine and Mesh Net Management Plan 1992)	2 195.00
(16)	Shark Bay Prawn Managed Fishery (as defined in	2 195.00
(10)	the Shark Bay Prawn Management Plan 1993)	34 418.00
(17)	Shark Bay Scallop Managed Fishery (as defined in	54 410.00
(17)	the Shark <i>Bay Scallop Management Plan 1994</i>) —	
	(a) for a class A boat (per boat)	15 224.00
	(b) for a class B boat (per boat)	1 973.00
(18)	Shark Bay Snapper Managed Fishery (per unit) (as	1 7 / 0.00
(10)	defined in the Shark Bay Snapper Management	
	Plan 1994)	13.68
(10)	Specimen Shell Managed Fishery (as defined in the	12.00
(19)		

Fees \$ South Coast Purse Seine Managed Fishery (as (20)defined in the South Coast Purse Seine Management Plan 1994), the sum obtained by multiplying the number of tonnes of fish that may be taken in accordance with the appropriate managed fishery licence by -(a) for zone 1 8.20 (b) for zone 2 8.20 8.20 for zone 3 (c) (d) for zone 4 8.20 South Coast Salmon Managed Fishery (as defined in (21)the South Coast Salmon Management Plan 1982) (per team) 1 507.00 (22)South-West Coast Salmon Managed Fishery (as defined in the South-West Coast Salmon Management Plan 1982) (per team) 204.00 (23)South West Trawl Managed Fishery (as defined in for zone A 901.00 (a) for zone B 901.00 (b) 901.00 (c) for zone A and B for zone B and C (d) 901.00 (e) for zone B and D 901.00 (24)Southern Demersal Gillnet and Demersal Longline Managed Fishery (as defined in the Joint Authority Southern Demersal Gillnet and Demersal Longline Management Plan 1992), per gear unit for zone 1 41.29 (a) for zone 2 (b) 38.84 for zone 3 41.29 (c) for zone 4 (d) 38.84 (25)Warnbro Sound (Crab) Managed Fishery (as defined in the Warnbro Sound (Crab) Management *Plan 1995*) 1 119.00 West Coast (Beach Bait Fish Net) Managed Fishery (26)(as defined in the West Coast (Beach Bait Fish Net) Management Plan 1995) 382.00 (26a) West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery (as defined in the West Cost Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan 1997 (per unit) 53 31

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		Fees	\$
	(27)	West Coast Purse Seine Managed Fishery (as defined in the <i>West Coast Purse Seine Management Plan 1989</i>) —	
		(a) for a licence to operate	2 536.00
		(b) for supplementary access	2 330.00
	(28)	West Coast Rock Lobster Managed Fishery (per	_1).0
	(==)	unit) (as defined in the West Coast Rock Lobster	
		Management Plan 1993)	129.00
	(29)	Windy Harbour-Augusta Rock Lobster Managed	
	, í	Fishery (as defined in the Windy Harbour-Augusta	
		Rock Lobster Management Plan 1987) (per pot)	10.8
4.	Aquat	ic eco-tourism operator's licence or restricted fishing	
	tour of	perator's licence	
	Types	of operation —	
	(1)(a)	Using —	
		(i) one boat with a surveyed length of more than	
		7.5 m and an open water passenger capacity of	
		20 persons or less and an associated power boat	
		with a length of 7.5 m or less but 4.5 m or	
		more, in one zone; or	
		(ii) one or more boats with a surveyed length of	
		7.5 m or less and a combined open water	
		passenger carrying capacity of 20 persons or	
		less, in one zone	210.0
	(b)	In addition to the fee specified in $4(1)(a)$ —	
		(i) for each additional 10 passengers or part	
		thereof	105.0
		(ii) for each additional associated power boat with	
		a surveyed length of 7.5 m or less but 4.5 m or	210.0
		more	210.0
		(iii) for a licence to operate the boat in more than	105.0
		one zone, for each additional zone	105.0
		(iv) for each additional boat specified in the licence with a surveyed length of more than 7.5 m and	
		an open water passenger capacity of 20 persons	
		or less	210.0
	(\mathbf{a})		210.0
	(2)(a)	A land based operation authorised to operate in one	
		zone with not more than 20 tourists taking part in the	210.0
	(L)	tour	210.0
	(0)	In addition to the fee specified in $4(2)(a)$ —	105.0
		(i) for each additional capacity of 10 tourists	105.0
		(ii) for a licence to operate in more than one zone, for each additional zone	105.0
			105.0

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	Fees	\$	
	(3)(a) A combination of boat and land or boat and aircraft operations with a total passenger carrying capacity of 20 persons or less, authorised to operate in one zone and a maximum of 2 boats with a surveyed length of	520.00	
	7.5 m or less but more than 4.5 m		
	 (b) In addition to the fee specified in 5(3)(a) — (i) for each additional capacity of 10 passengers or 		
	part thereof	260.00	
	 (ii) for each additional associated power boat with a surveyed length not less than 4.5 m but not more than 7.5 m (iii) for a licence to operate a boat in more than one 	260.00	
	zone, for each additional zone	520.00	
6.	Fishing boat licence		
	Types of boat —		
	(1) a boat 6.5 m or longer	315.00	
	(2) a boat shorter than 6.5 m	85.00	
7.	Tag authorising the possession of one pink snapper in the		
	Freycinet Estuary	10.00	

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

FISH RESOURCES MANAGEMENT ACT 1994

SHARK BAY SNAPPER FISHERY MANAGEMENT PLAN Amendment 2004

FD 2751/00 [632]

Made by the Minister under section 54.

Citation

1. This instrument may be cited as the Shark Bay Snapper Fishery Management Plan Amendment 2004.

Management plan amended

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

Clause 2 amended

- 3. Clause 2 is amended by—
 - (a) deleting the item commencing "Shark Bay Beach Seine and Mesh Net Managed Fishery"; and(b) inserting in the appropriate alphabetical positions the following—
 - ""Coral Bay Harbour" means all land and waters known as Coral Bay west of the intersection of Robinson Street and Banksia Drive, Coral Bay;
 - "Shark Bay Beach Seine and Mesh Net Managed Fishery" means the fishery to which the Shark Bay Beach Seine and Mesh Net Management Plan 1992 relates;
 - "Shark Bay Prawn Managed Fishery" means the fishery to which the Shark Bay Prawn Management Plan 1993 relates;
 - "Shark Bay Scallop Managed Fishery" means the fishery to which the Shark Bay Scallop Management Plan 1994 relates.".

Clause 7A amended

- 4. Clause 7A is amended—
 - (a) in subclause (2) by deleting "subparagraph (1)(b)" and inserting the following instead—
 "subparagraphs (1)(b) and (3)(b)";
 - (b) by inserting after subclause (2) the following subclause—

"(3) Notwithstanding subclause (1), the criteria to be satisfied on or before 31 August 2004 before the Executive Director may grant a person a licence are that the person satisfies the Executive Director that—

- (a) immediately upon the grant of a licence an application would be made under section 140 of the Act to transfer units of entitlement to the licence from another licence;
- (b) the application referred to in paragraph (a) would be in respect of not less than 25 units; and
- (c) immediately upon the receipt of the application referred to in paragraph (a) the Executive Director would transfer the units of entitlement to the licence (if it had been granted).".

Clause 8D amended

5. Clause 8D is amended in paragraph (a) by deleting "clause 7(1)(b)" and inserting the following instead—

"subclause 7A(1)(b) or (3)".

Clause 9A deleted and replaced

6. Clause 9A is deleted and the following clause is inserted instead—

" Prohibition on fishing in excess of entitlement

- 9A. The holder of a licence or a person acting on that person's behalf must not-
 - (a) fish for snapper in the waters of the Fishery from;
 - (b) fillet any fish in the waters of the Fishery on;
 - (c) have on board or transport any snapper or fillet of fish on; or
 - (d) bring onto land from the waters of the Fishery any fish from,

the relevant authorised boat unless the whole weight (determined in accordance with clauses 9C, 9D and 9E) of all whole snapper, gilled and gutted snapper, and fillets of fish—

- (e) brought onto land from the boat; or
- (f) taken with the use of the boat,

during the period for which the licence has been granted or renewed, is less than the value of the entitlement conferred by the licence.".

Clause 9C amended

7. Clause 9C is amended—

(a) in subclause (1) by inserting after "quantity of snapper" the following—"or fillets of fish"; and

(b) in subclause (2) by deleting "snapper" and inserting the following instead—"fish".

Clause 9D deleted and replaced

8. Clause 9D is deleted and the following clause is inserted instead-

" Exception for Spanish mackerel fillets

9D. For the purposes of clause 9A, the weight of any fillets of fish shall not include any fillet of Spanish mackerel to which the skin remains attached.".

Clause 9E inserted

9. After clause 9D the following clause is inserted—

" Fish to which certain clauses of this plan do not apply

9E. Clauses 9A, 16A, 17, 17A, 20 and 20A do not apply to snapper and fish fillets-

- (a) taken on a fishing trip that—
 - (i) commenced outside;
 - (ii) did not at any time pass through; and
 - (iii) ended outside,

the waters of the Fishery; and

(b) landed at a place other than Coral Bay Harbour.".

Clause 14 amended

10. Clause 14 is amended in subclause (3) by deleting "(1)(b)".

Clause 16 amended

11. Clause 16 is amended—

- (a) by inserting before "The" the subclause designation "(1)"; and
- (b) at the end of clause 16 by inserting the following—

"(2) The master of an authorised boat must not, at any time when the authorised boat is at sea, transfer any fish, or allow any fish to be transferred, from the authorised boat to another boat.".

Clause 16A deleted and replaced

12. Clause 16A is deleted and the following clause is inserted instead—

" Prohibition on the use of licensed fishing boats in certain circumstances

16A. (1) The master of an authorised boat must not land any fish ashore, or allow any fish to be landed ashore, at any place other than Denham townsite, Carnarvon Harbour or Coral Bay Harbour.

(2) The master of a licensed fishing boat that is not an authorised boat must not—

- (a) have on board, or permit a person to have on board; or
- (b) land from, or permit to be landed from,

the boat any pink snapper or fillet of fish, whether taken in the Fishery or otherwise, at any time when the boat is in the waters of the Fishery.

(3) Subclause (2) does not apply to a person who is a master of a licensed fishing boat that is being used solely for the purposes of—

- (a) fishing for Spanish mackerel by trolling on a fishing trip during which no fish other than Spanish mackerel is on board the boat and provided that all fillets of fish have the skin attached; or
- (b) a fishing tour under the authority of a fishing tour operator's licence or a restricted fishing tour operator's licence.
- (4) Subclause (2) does not apply to a person who is fishing for a commercial purpose and who-
 - (a) is authorised to fish under the authority of a managed fishery licence that authorises fishing in the Shark Bay Beach Seine and Mesh Net Fishery; and
 - (b) is fishing in the waters of the Shark Bay Beach Seine and Mesh Net Fishery.".

Clause 17 amended

13. Clause 17 is amended by deleting subclause (12) and inserting the following instead—

"(12) The master must not process or remove from the place of landing, or permit any person to process or remove from the place of landing, any snapper or fish fillet unless subclause (10) and clause 17A have been complied with."

Clause 17A amended

14. Clause 17A is amended by deleting subclause (4) and inserting the following instead—

- "(4) A person to whom subclause (2) applies must—
 - (a) within 168 hours of landing any snapper or filleted fish ashore at the Coral Bay Harbour, deliver or cause to be delivered the original copy of the completed Catch and Disposal Record form referred to in subclause (2) together with the duplicate copy of the completed

consignment note referred to in clause 17(8) to the office of the Department at Carnarvon or Denham; and

(b) within 72 hours of landing any snapper or filleted fish ashore at any place other than the Coral Bay Harbour, deliver or cause to be delivered the original copy of the completed Catch and Disposal Record form referred to in subclause (2) together with the duplicate copy of the completed consignment note referred to in clause 17(8) to the office of the Department at Carnarvon or Denham.".

Clause 20 amended

15. Clause 20 is amended by deleting paragraph (b) and inserting the following instead-

"(b) the value of the units of entitlement (including the value of units temporarily transferred to the licence but excluding the value of units temporarily transferred from the licence to another licence) that would be conferred by the licence after the transfer would be less than the total quantity (whole weight) of snapper and fish fillets brought ashore from the relevant authorised boat or taken with the use of the relevant authorised boat during the period for which the licence has been granted or renewed;".

Clause 20A amended

16. Clause 20A is amended by deleting paragraph (a) inserting the following instead—

"(a) the value of the units of entitlement (including the value of units temporarily transferred to the licence but excluding the value of units temporarily transferred from the licence to another licence) that would be conferred by the licence after the transfer would not be less than the total quantity (whole weight) of snapper and fish fillets brought ashore from the relevant authorised boat or taken with the use of the relevant authorised boat during the period for which the licence has been granted or renewed;".

Clause 21 inserted

17. After clause 20A the following clause is inserted—

"Authority of certain licences of no effect where usual or current entitlement is less than 100 units of entitlement

21. (1) The authority conferred by a licence is of no effect at any time when either the usual or the current entitlement of the licence is less than 100 units of entitlement.

- (2) Subclause (1) does not apply to-
 - (a) a licence at any time on or before 31 August 2004; or
 - (b) a licence where the relevant authorised boat is also the boat specified in a managed fishery licence that authorises fishing in the Shark Bay Prawn Managed Fishery or the Shark Bay Scallop Managed Fishery.

(3) For the purposes of subclause (1) the "usual entitlement" of a licence means the entitlement of a licence not taking into account any temporary transfers of units to or from the licence and the "current entitlement" of a licence means the entitlement of a licence taking into account any temporary transfers of units to or from the licence.".

[*Published in the Gazette of 22 July 1994. For corrections and amendments to 18 May 2004 see Notice No. 656 published in the Gazette on 8 November 1994, Notice No. 718 published in the Gazette on 27 June 1995, the Shark Bay Snapper Management Plan Amendment 1998 published in the Gazette on 7 August 1998, the Shark Bay Snapper Fishery Management Plan Amendment 2000 published in the Gazette on 29 December 2000, the Shark Bay Snapper Fishery Management Plan Amendment 2000 correction published in the Gazette on 10 September 2002 and the Shark Bay Snapper Fishery Management Plan Amendment 2003 published in the Gazette on 26 August 2003.

See Regulation 183 of the Fish Resources Management Regulations 1995 concerning the citation of Notices in force under the Fisheries Act 1905 immediately before the commencement of those Regulations].

Dated this 21st day of May 2004.

KIM CHANCE, Minister for Agriculture, Forestry and Fisheries.

FISH RESOURCES MANAGEMENT ACT 1994

WEST COAST DEMERSAL GILLNET AND DEMERSAL LONGLINE FISHERY (INTERIM) MANAGEMENT PLAN AMENDMENT (NO. 2) 2004

FD 780/98 [649]

Made by the Minister under section 54(2).

Citation

1. This instrument may be cited as the West Coast Demersal Gillnet and Demersal Longline Fishery (Interim) Management Plan Amendment (No. 2) 2004.

Management plan amended

2. The amendments in this instrument are to the West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan 1997*.

Clause 17 amended

3. Clause 17 is amended by inserting immediately after subclause (4) the following subclause-

"(5) Despite subclause (2)(b), in the case of an application to renew a permit that expired on 31 May 2004, an election for the purposes of subclause (1) must be received at the head office of the Department prior to 1 July 2004.".

Schedule 5 amended

4. Schedule 5 is amended by inserting immediately after paragraph (c) the following paragraph—

"(d) Despite paragraph (a), in the case of an application to renew a permit that expired on 31 May 2004, the first instalment is 25% of the total fee and is due for payment on or before 1 July 2004.".

[*Published in the Gazette of 30 May 1997. For amendments to 26 May 2004 see the West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan Amendment 1998 published in the Gazette of 29 May 1998, the West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan Amendment 1999 published in the Gazette of 14 May 1999, the West Coast Demersal Gillnet and Demersal Longline Fishery Management Plan Amendment 2000 published in the Gazette of 23 May 2000, the West Coast Demersal Gillnet and Demersal Longline Fishery (Interim) Management Plan Amendment 2001 published in the Gazette of 29 May 2001, the West Coast Demersal Gillnet and Demersal Longline Fishery (Interim) Management Plan Amendment 2002 published in the Gazette of 24 May 2002, the West Coast Demersal Gillnet and Demersal Longline Fishery (Interim) Management Plan Amendment (No. 2) 2002 published in the Gazette of 21 June 2002, the West Coast Demersal Gillnet and Demersal Longline Fishery (Interim) Management Plan Amendment 2003 published in the Gazette of 11 April 2003 and the West Coast Demersal Gillnet and Demersal Longline Fishery (Interim) Management Plan Amendment 2003 published in the Gazette of 11 April 2003 and the West Coast Demersal Gillnet and Demersal Longline Fishery (Interim) Management 2004 published in the Gazette of 25 May 2004.]

Dated this 27th day of May 2004.

KIM CHANCE, Minister for Agriculture, Forestry and Fisheries.

