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FISH RESOURCES MANAGEMENT ACT 1994**MACKEREL FISHERY (INTERIM) MANAGEMENT PLAN AMENDMENT 2004**

FD 2242/00 [665]

Made by the Minister under section 54.

1. CitationThis instrument may be cited as the *Mackerel Fishery (Interim) Management Plan Amendment 2004*.**2. Commencement**

This instrument will commence operation on 1 January 2005.

3. Management plan amendedThe amendments in this instrument are to the *Mackerel Fishery (Interim) Management Plan 2004**.**4. Clause 13 amended**

Clause 13 is amended in subclause (2)(a) by deleting "prior".

5. Clause 15 amended

Clause 15 is amended in subclause (1) by deleting "the grant of a permit that will expire on 31 December 2004" and inserting instead—

" the grant or renewal of a permit that will expire on 31 December 2005 ".

6. Clause 17 amended

Clause 17 is amended by—

- (a) deleting "nominated" in subclause (6) and subclause (7); and
- (b) deleting subclauses (4), (8), (9), and (10).

7. Clause 18 amended

Clause 18 is amended in the third subparagraph of paragraph (1)(c) by deleting "(ii)" at the commencement of that subparagraph and inserting instead—

" (iii) ".

8. Clause 21 amended

Clause 21 is amended—

- (a) in paragraph (a) of subclause (1) by deleting "Port Area as described in subclause (1) of Schedule 3" and inserting instead—
" port area that is within Area 1";
- (b) in paragraph (b) of subclause (1) by deleting "Port Area as described in subclause (2) of Schedule 3" and inserting instead—
"port area that is within Area 2";
- (c) in paragraph (c) of subclause (1) by deleting "Port Area as described in subclause (3) of Schedule 3" and inserting instead—
"port area that is within Area 3": and
- (d) in subclause (2) by deleting "a Port Area that applies to one of the Areas" and inserting instead—
"a port area that is within one of the Areas".

9. Clause 21A inserted

After clause 21 the following clause is inserted—

"21A. Exceptions to clause 10, clause 17 and clause 21

- (1) Clause 17(3) does not apply when mackerel or fillet of fish is being transferred from an auxiliary boat to the associated primary boat.

(2) Clauses 10(6), 17(6), 17(7), 21(1) and 21(2) do not apply to the master of a boat where that boat—

- (a) has been used to fish in Area 1 of the Fishery;
- (b) has mackerel on board; and
- (c) is steaming continuously and directly to Darwin to unload the fish.

(3) Clauses 10(6), 17(7) and 21(1) do not apply to the master of a boat where that boat—

- (a) has been used to fish in Area 1 only;
- (b) has mackerel on board; and
- (c) is steaming continuously and directly to Port Hedland to unload the fish.

(4) Clauses 17(7), 21(1) and 21(2) do not apply to the master of a boat where that boat—

- (a) has been used to fish in Area 2 but not Area 1;
- (b) has mackerel on board; and
- (c) is steaming continuously and directly to Broome to unload the fish.

(5) Clause 17(7) does not apply to the master of a boat where—

- (a) the boat is an authorised boat under two or more permits;
- (b) the permits referred to in paragraph (a) collectively authorise fishing in two adjoining Areas of the Fishery or all three Areas of the Fishery;
- (c) the boat has been used to fish in at least two adjoining Areas of the Fishery on the same trip; and
- (d) any mackerel on the boat are landed at a port area that is within one of the Areas of the Fishery in which the boat has been used to fish on that trip.

(6) Notwithstanding clause 17(7), 21(1) or 21(2) a fisheries officer may, on application by the master of an authorised boat, authorise the master of that boat to land any mackerel on board the boat at a port area which is outside the Area in which the boat has been used to fish.

(7) An application for an authority under subclause (6) must be made in the approved manner to a fisheries officer.

(8) A person to whom an authority has been granted under subclause (6) must not contravene any provision of that authority while it is in force. “.

10. Clause 24 replaced

Clause 24 is deleted and the following clause inserted instead—

“24. Offences and major provisions

A person who contravenes a provision of—

- (a) clause 8, 9(3), 9(4), 10(1), 10(4), 10(5), 11, 17(3), 17(5), 17(6), 17(7), 19(3), 19(4), 19(5)(a), 21(1), 21(2), 21(3) and 21A(8); or
- (b) clause 17(1), 17(2), 18(2), 18(4), 18(5), 19(3), 19(4), 22(1), 22(2), 23(1) and 23(4),

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

11. Schedule 3 replaced

Schedule 3 is deleted and the following Schedule inserted instead—

“Schedule 3

Port Areas

Darwin

All waters of the Port of Darwin south of a line drawn from the intersection of 12° 26.30' south latitude and 130° 45.90' east longitude; thence north by east along the geodesic to the intersection of 12° 24.87' south latitude and 130° 49.07' east longitude.

Broome

All the waters of the Fishery within 3 nautical miles of the intersection of 18° 00.03' south latitude and 122° 13.11' east longitude.

Port Hedland

All the waters of the Fishery within 3 nautical miles of the intersection of 20° 18.92' south latitude and 118° 34.62' east longitude.

Port Walcott (Point Samson)

All the waters of the Fishery within 3 nautical miles of the intersection of 20° 38.20' south latitude and 117° 11.53' east longitude.

Port of Dampier

All the waters of the Fishery bounded by a line commencing at the high water mark at the intersection of 116° 39.00' east longitude; thence extending north by west along the geodesic to the high water mark on East Lewis Island at 116° 38.13' east longitude (King Point); thence generally easterly along the high water mark on the southern side of East Lewis Island to the intersection of 116° 39.90' east longitude (Roe Point); thence easterly along the geodesic to the intersection of the high water mark on the coastline at 20° 37.50' south latitude (Phillip Point); thence generally south westerly along the high water mark to the commencement point.

Beadon Creek, Onslow

All the waters of the Fishery within 3 nautical miles of the intersection of 21° 38.28' south latitude and 115° 07.97' east longitude.

Exmouth

All the waters of the Fishery within 3 nautical miles of the intersection of 21° 57.445' south latitude and 114° 08.477' east longitude (Exmouth Marina and associated area).

Point Quobba (Blowholes)

All the waters of the Fishery within 3 nautical miles of the intersection of 24° 29.22' south latitude and 113° 24.57' east longitude.

Carnarvon

All the waters of the Fishery within 3 nautical miles of the intersection of 24° 53.934' south latitude and 113° 39.071' east longitude (T jetty, Fishing Boat Harbour)

Denham

All the waters of the Fishery within 3 nautical miles of the intersection of 25° 55.71' south latitude and 113° 31.99' east longitude (Service jetty, Denham).

Kalbarri

All the waters of the Fishery within 3 nautical miles of the intersection of 27° 42.50' south latitude and 114° 09.50' east longitude.

Port Gregory

All the waters of the Fishery within 3 nautical miles of the intersection of 28° 11.45' south latitude and 114° 14.94' east longitude.

Geraldton

All the waters of the Fishery within 3 nautical miles of the intersection of 28° 46.47' south latitude and 114° 35.298' east longitude.

Port Denison

All the waters of the Fishery within 3 nautical miles of the intersection of 29° 16.31' south latitude and 114° 55.192' east longitude.

Jurien Bay

All the waters of the Fishery within 3 nautical miles of the intersection of 30° 17.268' south latitude and 115° 02.605' east longitude.

Fremantle

All the waters of the Fishery within 3 nautical miles of the intersection of 32° 03.654' south latitude and 115° 44.611' east longitude. “.

12. Schedule 5 amended

Schedule 5 is amended by—

- (a) deleting “for the grant of a permit that expires 31 December 2004” and inserting instead—
“ for the grant or renewal of a permit that will expire on 31 December 2005 “;
- (b) deleting “\$490” and inserting instead—
“\$1,105”;
- (c) deleting “\$286” and inserting instead—
“\$688”; and
- (d) deleting “\$219” and inserting instead—
“\$545”.

*[*Published in Government Gazette of 23 July 2004.]*

Dated this 10th day December of 2004.

K. CHANCE, Minister for Agriculture; Forestry and Fisheries.



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