

**WESTERN
AUSTRALIAN
GOVERNMENT**
Gazette
ISSN 1448-949X

2691



PERTH, FRIDAY, 21 JULY 2006 No. 126

SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 4.00 PM

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FISH RESOURCES MANAGEMENT ACT 1994

**JOINT AUTHORITY DEMERSAL
GILLNET AND DEMERSAL
LONGLINE FISHERY
MANAGEMENT PLAN
AMENDMENT 2006**

FISH RESOURCES MANAGEMENT ACT 1994**JOINT AUTHORITY DEMERSAL GILLNET AND DEMERSAL LONGLINE FISHERY
MANAGEMENT PLAN AMENDMENT 2006**

FD 1782/99 [761]

Made by the person holding or performing the duties of the Minister, as delegate of the Joint Authority under sections 19, 25 and 54.

1. Citation

This instrument is the *Joint Authority Demersal Gillnet and Demersal Longline Fishery Management Plan Amendment 2006*.

2. Management plan amended

The amendments in this instrument are to the *Joint Authority Southern Gillnet and Longline Managed Fishery Notice 1992**.

3. Clause 2 amended

(1) Clause 2 is amended by deleting the items commencing “approved form”, “endorsed”, “gear month”, “gear unit”, “gillnet month”, “gillnet unit”, “longline month”, “long line unit”, “time gear unit” and “total fee”.

(2) Clause 2 is amended in the item commencing “authorised boat” by deleting the words—
“fishing boat licence or the boat nominated on a”.

(3) Clause 2 is amended in the item commencing “licence” by deleting the words—
“or a fishing boat licence endorsed to permit the boat to be operated in the Fishery”.

(4) Clause 2 is amended by inserting in the appropriate alphabetical positions the following definitions—

“dusky shark” means a shark of the scientific classification *Carcharhinus obscurus*;

“gillnet unit” means 270 metres of gillnet that may be used for fishing in a zone and during a calendar month as specified on a licence;

“half-value gillnet unit” means 135 metres of gillnet that may be used for fishing in a zone and during a calendar month as specified on a licence;

“historical gillnet unit” means 378 metres of gillnet that may be used for fishing in Zone 1 during a calendar month as specified on a licence;

“historical longline unit” means 90 fish hooks attached to a length of longline that may be used for fishing in a zone and during a calendar month as specified on a licence;

“interdorsal fin length” is the length obtained by measuring in a straight line from the first dorsal fin origin to the second dorsal fin insertion;

“longline unit” means 90 fish hooks attached to a length of longline that may be used for fishing in a zone and during a calendar month as specified on a licence;”.

4. Clause 6 replaced

Clause 6 is repealed and the following clause inserted instead—

6. Licences

(1) A licence expires on 31 May next following the date of its renewal.

(2) A licence is to specify—

- (a) the name and fishing boat number of the licensed fishing boat which may be used for or in connection with fishing in the Fishery under the authority of the licence;
- (b) the licence number;
- (c) the date on which the licence was renewed;
- (d) the date on which the licence expires;
- (e) the units of entitlement conferred by the licence, including the months and zones to which they relate; and
- (f) the zone or zones in which the licence may be operated.”.

5. Clause 6A amended

Clause 6A is amended by deleting “Executive Director” and inserting instead—

“Joint Authority”.

6. Clauses 6B inserted

After clause 6A, the following clause is inserted—

6B. Criteria for grant of licence

The criteria to be satisfied before the Joint Authority may grant a person a licence to fish in the Fishery are that—

- (a) on 31 May 2000 the person was the holder of the licence issued as SAE 1030;
- (b) the licence expired on 31 May 2000 and no application for renewal of the licence was made due to an oversight or misunderstanding;

- (c) an application for renewal of the licence issued as SAE 1030, if made, would have been approved; and
- (d) the person applies for a licence on or before 31 August 2006. ”.

7. Clause 7 amended

(1) Clause 7(1) is deleted and the following subclause is inserted instead—

“ (1) A person must not fish in the Fishery by the use of gear unless the person is fishing under the authority of a licence that authorises the use of that gear at that time. ”.

(2) Clause 7(4) is deleted and the following subclause is inserted instead—

“ (4) A person must not use a gillnet that has a mesh size of less than 162.5 millimetres. ”.

(3) Clause 7(5) is deleted and the following subclause is inserted instead—

“ (5) A person must not use a gillnet that has a depth greater than 20 meshes. ”.

(4) Clause 7(6) is deleted and the following subclause is inserted instead—

“ (6) A person must not use a gillnet or longline in the Fishery unless the gillnet or longline is attached to one or more surface floats each having—

- (a) a diameter of not less than 200 millimetres if the float is spherical and, in any other case, a length of not less than 200 millimetres and a width of not less than 100 millimetres; and
- (b) branded or stamped on it the licensed fishing boat number of the boat that is being used to fish in the Fishery, with each character of the brand or stamp being legible and measuring not less than 60 millimetres in height and not less than 10 millimetres in width. ”.

(5) Clause 7(7) is deleted.

8. Clauses 7A, 7B and 7C inserted

After clause 7, the following clauses are inserted—

7A. Requirements relating to removal and stowage of gillnets

- (1) A person who sets a gillnet in the Fishery under the authority of a licence must remove that net from the water on the day following the day it is set.
- (2) Subclause (1) does not apply if another person acting under the authority of the licence removes the gillnet from the water on the day following the day on which the gillnet was set.
- (3) The master of an authorised boat must not fish, or permit a person to fish, from an authorised boat by means of a gillnet unless any gillnet reel on the boat has a locking bar that can be locked and sealed to prevent the use of the reel.
- (4) The master of an authorised boat must ensure that the locking bar of any gillnet reel on the boat is locked and sealed at all times other than when the boat may be used for fishing by means of a gillnet under the relevant licence.
- (5) The master of an authorised boat must not remove, or permit another person to remove, any lock or seal fitted to any gillnet reel on the boat at any time other than when the boat may be used for fishing by means of a gillnet under the relevant licence.
- (6) For the purposes of subclause (4) the sealing of a gillnet reel is to be by means of a seal, and in accordance with any directions in writing, given to the master by the CEO.

7B. Requirements relating to longlines

A person must not fish by means of a longline that does not conform to the specifications specified in Schedule 2.

7C. Prohibition on fishing at certain times

A person must not fish by the use of a longline or a gillnet in the waters specified in Schedule 3 at any time during the period commencing on 16 August and ending on 15 October in the same year during the years 2006, 2007 and 2008. ”.

9. Clause 8 replaced

Clause 8 is repealed and the following clause inserted instead—

8. Entitlements conferred by licences

- (1) A licence, at the time of renewal next following its expiry on 31 May 2006, shall confer an entitlement of units that is equal to the number and type of gear units that were conferred by the licence immediately before the licence expired.
- (2) For the purposes of subclause (1) any temporary transfers of units from one licence to another licence on or before 31 May 2006 shall be taken not to have occurred.
- (3) Despite subclause (1), the units of entitlement conferred by licence No. 2062 shall, at the time of renewal, be historical gillnet units.
- (4) A licence granted under clause 6B shall, upon the initial grant of the licence, confer an entitlement of 6 Zone 2 gillnet units of entitlement. ”.

10. Clause 9 replaced

Clause 9 is repealed and the following clause inserted instead—

“ 9. Scheme of entitlements

- (1) A gillnet unit may be converted into a longline unit, and a longline unit may be converted into a gillnet unit.
- (2) An historical gillnet unit may be converted into an historical longline unit, and an historical longline unit may be converted into an historical gillnet unit.
- (3) The maximum extent of Zone 1 entitlement that may be conferred by all the licences is—
 - (a) subject to subclauses (6) and (7), 1044 gillnet units, historical gillnet units, longline units and historical longline units (combined); and
 - (b) 8 half-value gillnet units.
- (4) The maximum extent of Zone 2 entitlement that may be conferred by all the licences is—
 - (a) 1406 gillnet units and longline units (combined); and
 - (b) 9 half-value gillnet units.
- (5) The maximum extent of Zone 3 entitlement that may be conferred by all the licences is—
 - (a) 62 gillnet units and longline units (combined); and
 - (b) 1 half-value gillnet unit.
- (6) Subject to subclause (7), the maximum number of historical gillnet and historical longline units (combined) that may be conferred by all the licences is 45 units.
- (7) An historical gillnet unit or historical longline unit shall, upon transfer (including temporary transfer) to another licence, be converted into a gillnet or longline unit, as the case requires. ”.

11. Clause 10 replaced

Clause 10 is repealed and the following clause inserted instead—

“ 10. Grounds for refusal to transfer part of an entitlement

The Joint Authority may refuse an application for the transfer of part of an entitlement to another licence on the grounds that—

- (a) the application is not in respect of a whole number of units;
- (b) the fee to be paid in respect of the renewal of the licence has not been paid in full. ”.

12. Clause 11 replaced

Clause 11 is repealed and the following clause inserted instead—

“ 11. Grounds for refusal to transfer a licence

The Joint Authority may refuse an application for the transfer of a licence on the ground that the fee to be paid in respect of the renewal of the licence has not been paid in full. ”.

13. Clause 12 replaced

Clause 12 is repealed and the following clause inserted instead—

“ 12. Temporary transfer of part of an entitlement

Part of an entitlement under a licence may be temporarily transferred to another licence, for a period ending at the time the licence expires, provided that—

- (a) the transfer is of a whole number of units;
- (b) the licence from which the units are being transferred will still confer at least one unit of entitlement after the transfer has been effected; and
- (c) the fee to be paid in respect of the renewal of the licence has been paid in full. ”.

14. Clause 13 replaced

Clause 13 is repealed and the following clause inserted instead—

“ 13. Protection of dusky shark over 70 centimetres interdorsal fin length

- (1) A person, on becoming aware of the taking of a dusky shark that is greater than 70 centimetres interdorsal fin length, must take immediate steps to return that shark to the water with the least possible injury to the shark.
- (2) The master of an authorised boat must not permit a dusky shark that is greater than 70 centimetres interdorsal fin length to remain on the boat for more than 2 minutes. “.

15. Clause 14 replaced

Clause 14 is repealed and the following clauses inserted instead—

“ 14. Restrictions on use of gear

The master of an authorised boat must not at any time use, or permit to be used from the boat, more than the lesser of—

- (a) 8,235 metres of gillnet or 2,745 hooks; or
- (b) the value (in metres of gillnet or number of hooks) of the units of entitlement conferred by the relevant licence relating to the time at which the boat is being used.

15. Records and returns

- (1) A person who engages in fishing, or is authorised to engage in fishing, under the authority of a licence must make and keep records of—
 - (a) the catch of fish;
 - (b) sales of fish or fish products;
 - (c) purchases of fish or fish products;
 - (d) receipts of fish or fish products;
 - (e) fishing gear or equipment bought, sold or used; and
 - (f) times and places of fishing.
- (2) A person who makes a record under subclause (1) is to keep the records safe and secure for a period of not less than 7 years.
- (3) A person who is to keep records under subclause (1) must submit a return to the Department regarding the activity each month and, where the CEO has approved a form, must—
 - (a) use the form approved by the CEO;
 - (b) send the return relating to each month—
 - (i) to the head office of the Department in Perth; or
 - (ii) if another office of the Department is specified in the form, to that office, to arrive—
 - (iii) not later than the 15th day of the following month; or
 - (iv) if a later day is specified in the relevant form, not later than that day.
- (4) A person must not make an entry or statement that is false or misleading in a material particular in a record made and kept or a return submitted under this clause.

16. Fees

- (1) A fee set out in Schedule 4 opposite a particular type of application is the fee to be paid to make that application.
- (2) The fee to be paid in respect of the renewal of a licence is—
 - (a) \$35.34 per Zone 1 or Zone 3 gillnet unit, historical gillnet unit, longline unit or historical longline unit of entitlement;
 - (b) \$17.67 per Zone 1 or Zone 3 half-value gillnet unit of entitlement;
 - (c) \$37.59 per Zone 2 gillnet unit or longline unit of entitlement; and
 - (d) \$18.80 per Zone 2 half-value gillnet unit of entitlement.
- (3) Where a licence is renewed and issued within 90 days of the day on which it last expired—
 - (a) 25% of the fee specified in sub-clause (2) is payable upon the issue of the licence;
 - (b) 25% of the fee specified in sub-clause (2) is payable on or before 1 September of the year for which the licence has been renewed; and
 - (c) 50% of the fee specified in sub-clause (2) is payable on or before 1 December of the year for which the licence has been renewed.
- (4) The fee to be paid on the grant and issue of a licence under clause 6B is \$249.60.

17. Offences and major provisions

A person who contravenes a provision of clause 5, 7, 7A, 7B, 7C, 13, 14 or 15 commits an offence and for the purposes of section 75 of the Act these clauses are major provisions. ”.

16. Schedule 1 amended

- (1) Schedule 1 is amended by deleting the semicolon at the end of paragraph 2(c) and inserting instead a full stop.
- (2) Schedule 1 is amended by deleting “(d) Zone 4 being the whole of the waters between 116° east longitude and 129° east longitude.”.

17. Schedules 2, 3 and 4 replaced

Schedules 2, 3 and 4 and the italicised note “ [*Published in the Gazette of 13 May 1988. For amendments to 31 July 1992 see Notice No. 360 published in the Gazette of 8 July 1988, Notice No. 430 published in the Gazette of 22 December 1989 and Notice No. 498 published in the Gazette of 24 May 1991.*] ” are repealed and the following Schedules are inserted instead—

“ Schedule 2

- (1) A trace used in a longline must be made of—
 - (a) unsheathed monofilament nylon; or
 - (b) fluorocarbon,
 and have a maximum width at any point of 1.8 millimetres.
- (2) A snood used in a longline must be made of—
 - (a) unsheathed monofilament nylon; or
 - (b) fluorocarbon,
 and have a maximum width at any point of 1.8 millimetres.

- (3) With the exception of flags, swivels, sinkers, floats and connectors a longline must not have any part that is made of, or includes, metal.
- (4) A longline must not have—
- (a) any branch lines;
 - (b) any hook—
 - (i) made of material that exceeds 3 millimetres width at any point except for the barb;
 - (ii) that when measured externally exceeds 8 centimetres in length or width;
 - (c) more than 2 ferrules, swages, barrel locks or sleeves per snood;
 - (d) any ferrule, swage, barrel lock or sleeve that exceeds 25 millimetres in length;
 - (e) any trace or snood that exceeds 150 centimetres in length when measured from the mainline to the eye of the hook and includes the full length of the swivel, snap fastener or any other device that attaches the trace to the mainline;
 - (f) more than one hook on each snood;
 - (g) more than one line on each snood;
 - (h) any swivel, snap fastener or other device that attaches the trace to the main line that is longer than 150 millimetres.

Schedule 3

All waters bounded by a line commencing at the intersection of the high water mark on the coastline of Western Australia and 33° south latitude; thence west along the parallel to its intersection with 114° 38' east longitude; thence south-westerly along the geodesic to the intersection of 33° 10' south latitude and 114° 34' east longitude; thence south-westerly along the geodesic to the intersection of 33° 30' south latitude and 114° 29' east longitude; thence southerly along the geodesic to the intersection of 34° south latitude and 114° 27' east longitude; thence southerly along the geodesic to the intersection of 34° 20' south latitude and 114° 30' east longitude; thence south-easterly along the geodesic to the intersection of 34° 41' south latitude and 114° 40' east longitude; thence south-easterly along the geodesic to the intersection of 34° 52' south latitude and 114° 50' east longitude; thence south-easterly along the geodesic to the intersection of 34° 58' south latitude and 115° east longitude; thence south-easterly along the geodesic to the intersection of 35° 04' south latitude and 115° 16' east longitude; thence easterly along the geodesic to the intersection of 35° 06' south latitude and 115° 36' east longitude; thence south-easterly along the geodesic to the intersection of 35° 17' south latitude and 116° east longitude; thence south-easterly along the geodesic to the intersection of 35° 23' south latitude and 116° 19' east longitude; thence south-easterly along the geodesic to the intersection of 35° 27' south latitude and 116° 47' east longitude; thence east along the parallel to its intersection with 116° 57' east longitude; thence north-easterly along the geodesic to the intersection of 35° 23' south latitude and 117° 13' east longitude; thence south-easterly along the geodesic to the intersection of 35° 27' south latitude and 117° 40' east longitude; thence south-easterly along the geodesic to the intersection of 35° 29' south latitude and 117° 50' east longitude; thence north-easterly along the geodesic to the intersection of 35° 27' south latitude and 118° east longitude; thence north along the meridian to its intersection with the high water mark on the coastline of the southern shore of Australia (near Bald Head); thence generally westerly, northerly-westerly, and northerly along the high water mark to the commencement point.

Schedule 4

Application for—

Renewal of a licence	\$70.00
Variation of a licence	\$392.00
Transfer of a licence	\$392.00
Transfer of part of an entitlement	\$392.00
Temporary transfer of part of an entitlement	\$125.00.”.

*[*Published in the Gazette of 9 October 1992. For amendments to 17 July 2006 see Notice No. 670 published in the Gazette of 26 August 1994, Notice No. 711 published in the Gazette of 23 June 1995, Notice No. 732 published in the Gazette of 29 September 1995, the Joint Authority Southern Demersal Gillnet and Demersal Longline Management Plan Amendment 1999 published in the Gazette of 23 February 1999, the Joint Authority Southern Demersal Gillnet and Demersal Longline Management Plan Amendment (No. 2) 1999 published in the Gazette of 21 May 1999, the Joint Authority Southern Demersal Gillnet and Demersal Longline Management Plan Amendment (No. 3) 1999 published in the Gazette of 21 September 1999, the Joint Authority Southern Demersal Gillnet and Demersal Longline Fishery Management Plan Amendment (No. 4) 1999 published in the Gazette of 24 December 1999, and the Joint Authority Southern Demersal Gillnet and Demersal Longline Fishery Management Plan Amendment 2002 published in the Gazette of 21 June 2002.]*

Dated this 19th day of July 2006.

KIM CHANCE, Acting Minister for Fisheries as a person
holding or performing the duties of the Minister,
as delegate of the Joint Authority.

