

FISH RESOURCES MANAGEMENT ACT 1994

SOUTH COAST NEARSHORE NET MANAGED FISHERY MANAGEMENT PLAN 2020

FD 2010/19 [CID 190224]

Made by the Minister under section 54.

PART 1—PRELIMINARY

1. Citation

This plan is the *South Coast Nearshore Net Managed Fishery Management Plan 2020*.

2. Commencement

This plan will come into operation on 1 June 2021.

3. Exception

This plan does not apply to the persons described in clauses 7(a) and (b) prior to 1 July 2021.

4. Interpretation

In this plan, unless the contrary intention appears—

authorised boat means a primary boat or an auxiliary boat;**auxiliary boat** means a licensed fishing boat used to fish in connection with fishing from a primary boat, the name and licensed fishing boat number of which is specified on a licence;**Act** means the *Fish Resources Management Act 1994*;**beach seine net** means a fishing net that, when used for fishing, is hauled in the water and has a pocket or a bunt;**conversion rates** means the rates used from time to time by the Department's Director Aquatic Science and Assessment to convert the weight of a part of a fish to a whole weight for departmental recording purposes, being generally those rates specified in Appendix B, Ministerial Policy Guideline No. 14 except where—

- (a) a rate in Appendix B, Ministerial Policy Guideline No. 14 superseded an earlier rate, or was superseded by a later rate, in which case that earlier or later rate (as the case may be) applied at the relevant time; or
- (b) a rate in respect of a species of fish that was not specified in Appendix B, Ministerial Policy Guideline No. 14 was applied at the relevant time;

Department means the Department of Primary Industries and Regional Development Western Australia;**Fishery** means the South Coast Nearshore Net Managed Fishery identified in clause 6;**fishing return** means a return—

- (a) in a form approved by the CEO under the Act or the *Fisheries Act 1905* for recording the catch of fish taken with the use of a fishing boat under a fishing boat licence and submitted under regulation 64 of the regulations or section 18 of the *Fisheries Act 1905*; and
- (b) received by the Department on or before 30 January 2019;

haul (verb) means to encircle or attempt to encircle fish with a net;**haul net** means any fishing net that, when used for fishing, is hauled in the water and does not have a pocket or a bunt;**gillnet** means any fishing net that, when used for fishing, is set in the water and has a mesh size equal to or less than 114 millimetres when measured in accordance with regulation 64D;**licence** means a managed fishery licence authorising a person to fish in the Fishery;**net** means a beach seine net, gillnet or haul net;**open access catch** means the whole weight of scalefish and squid taken by open access net fishing methods that has been determined and recorded by the Department, on the basis of the relevant fishing returns submitted to it;**open access net fishing methods** means fishing by net—

- (a) by a person fishing commercially from or in connection with the use of a licensed fishing boat, in accordance with laws of the State regulating commercial fishing from time to time; and
- (b) that was not carried out under any limited entry fishing licence, managed fishery authorisation, exemption, or any other administrative or legislative exception to any prohibition that applied, or purported to apply, to that person and did not also apply, or purport to apply, to all other persons;

primary boat means a licensed fishing boat that is used to fish under the authority of a licence, the name and licensed fishing boat number of which are specified on a licence;**qualifying period** means the period commencing 1 January 1993 and ending on 31 December 2013;**regulations** means the *Fish Resources Management Regulations 1995*;**scalefish** means all fish of the Class Osteichthyes other than—

(a) fish of the common name Western Australian Salmon described by the scientific classification *Arripis truttaceus*; and

(b) small pelagic fish as defined in the *South Coast Purse Seine Management Plan 1994*;

set has the same meaning as in regulation 3;

squid means all cephalopods of the Sub-class Coleoidea with the common name squid or cuttlefish other than cephalopods known by the common name Octopus described by the scientific classification Family Octopodidae;

whole weight in relation to a scalefish or squid means the weight of the fish that, in accordance with the relevant conversion rate, has been determined and recorded by the Department as the whole weight of fish.

5. Procedure before this plan may be amended or revoked

All the licence holders are the persons to be consulted before this plan is amended or revoked.

PART 2—THE FISHERY

6. Identification and declaration of the Fishery

(1) The Fishery to which this plan relates is fishing by means of net for scalefish or squid in the waters described in Schedule 1.

(2) The Fishery is a managed fishery, and may be referred to as the South Coast Nearshore Net Managed Fishery.

PART 3—LICENCES AND FEES

7. Criteria for the grant of a licence

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

- (a) on the date of commencement of this plan the person was the holder of a fishing boat licence; and
- (b) the open access catch taken under the authority of that fishing boat licence during the qualifying period in the waters specified in Schedule 1 was not less than 2,000 kg; and
- (c) an application for the grant of a licence in respect of that fishing boat licence is made only once, on or prior to 31 August 2021.

8. Duration of licences

A licence granted or renewed for a period commencing on 1 July in any year expires on 30 June next following the date of grant or renewal.

9. Items that must be specified on a licence

A licence must specify—

- (a) the name and business address of the holder of the licence; and
- (b) the name and licensed fishing boat number of any licensed fishing boat that is to be used under the authority of that licence; and
- (c) the licence number; and
- (d) the date on which the licence was granted or renewed; and
- (e) the date on which the licence expires; and
- (f) the name of the Fishery; and
- (g) any conditions imposed on the licence by the CEO.

10. Fees

(1) Where a licence is granted for a period expiring on 30 June 2022, the fee is \$235.51 per licence.

(2) For the purposes of regulation 137(2) the fee may be paid by instalments as specified in Schedule 2 if—

- (a) an election to pay by instalments is made by the holder of a licence in accordance with subclause (3); and
- (b) there is no other fee, charge or levy in respect of the licence which has not been paid at the time the election is received at the head office of the Department.

(3) An election for the purposes of subclause (2) must be—

- (a) made in writing;
- (b) received at an office of the Department on or before 1 July of the year for which the licence is to be renewed; and
- (c) accompanied by the first instalment plus the surcharge.

(4) For the purposes of regulation 137(3) the surcharge will be 3.13% of the total fee.

PART 4—GENERAL REGULATION OF FISHING

11. Use of boats

(1) A person must not use a boat in the Fishery unless—

- (a) the person is the holder of a licence and the boat is an authorised boat that is specified on the licence; or

- (b) the person is acting for or on behalf of the holder of the licence and the boat is an authorised boat that is specified on the licence.
- (2) A person must not fish in the Fishery other than by the use of no more than one primary boat and two auxiliary boats at any time.
- (3) The master of a primary boat must not permit an auxiliary boat to be more than 5 nautical miles from the primary boat at any time.

12. Restrictions on fishing

- (1) A person must not fish in the Fishery by any means other than by a net that—
 - (a) has a mesh size less than or equal to 114 millimetres; and
 - (b) is attached to a buoy or float that is marked with the licensed fishing boat number of the authorised boat in letters and numbers each of which are at least 60 millimetres high and 10 millimetres wide.
- (2) A person must not fish in the Fishery for any fish other than scalefish or squid.
- (3) The master of a primary boat must not permit more than—
 - (a) 1 beach seine net or 1 haul net which when used from that boat and any auxiliary boat must not exceed 700 metres in total length; or
 - (b) 1,000 metres total length of gillnet to be used from that boat and any auxiliary boat,at any time in the waters of the Fishery.
- (4) The master of a primary boat must not permit more than a total length of 1,700 metres of net to be on board that boat and on any auxiliary boat at any time in the waters of the Fishery.
- (5) The master of a primary boat must not permit a person to fish from that boat or any auxiliary boat outside 3 nautical miles from the shore.
- (6) A person must not fish in the waters of the Fishery described in Schedule 3 using a net—
 - (a) on any week day during the period commencing 2 hours after sunrise and ending 1.5 hours before sunset on the same day; or
 - (b) during the period commencing 2 hours after sunrise each Saturday morning and ending 1.5 hours before sunset on the following Sunday; or
 - (c) during the period commencing 1.5 hours before sunset on the evening previous to any public holiday except Anzac Day and ending 1.5 hours before sunset on that public holiday.
- (7) A person must not fish in the waters of the Fishery described in Schedule 4 using a net at any time.

PART 5—PROHIBITIONS AND OFFENCES

13. Persons prohibited from fishing in the Fishery

- (1) A person must not fish in the Fishery other than—
 - (a) in accordance with this plan; and
 - (b) under the authority of a licence.
- (2) Subclause (1) does not apply to a person fishing—
 - (a) for scalefish or squid for a non-commercial purpose in accordance with the Act; or
 - (b) under the authority of an authorisation that authorises fishing in the—
 - (i) Marine Aquarium Fish Managed Fishery;
 - (ii) South Coast Purse Seine Managed Fishery;
 - (iii) South Coast Salmon Managed Fishery;
 - (iv) Southern Demersal Gillnet and Demersal Longline Managed Fishery; or
 - (v) South West Coast Salmon Managed Fishery.

14. Prohibition on landing

The master of an authorised boat must not permit that boat from leaving the waters of the Fishery unless all scalefish and squid that has been taken in the Fishery has been landed prior to leaving the waters of the Fishery.

15. Prohibition on selling or dealing with, or attempting to sell or deal with, or possessing, scalefish or squid

- (1) In this clause—
 - deal with* includes handling, storing, transporting, weighing and recording;
 - otherwise dealt with* includes handled, stored, transported, weighed and recorded.
- (2) A person must not sell, purchase, or deal with, or attempt to sell, purchase or deal with, or be in possession of, any scalefish or squid taken from the Fishery, landed or otherwise dealt with in contravention of this plan.
- (3) A person must not sell, purchase, or deal with, or attempt to sell, purchase, or deal with, or be in possession of, any scalefish or squid unless that scalefish or squid was taken and landed by the holder of a commercial fishing licence under the authority of a licence.

16. Notice of closure of area of the Fishery

- (1) The CEO 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 the CEO is of the opinion that—
- (a) the sustainability of fish stocks is at high risk; or
 - (b) any threatened, endangered or protected species are at high risk due to fishing activities in the Fishery.
- (2) A notice made in accordance with subclause (1)—
- (a) may only be made after consultation with all licence holders; and
 - (b) must take into account any advice received from the Department's Director Aquatic Science and Assessment;
 - (c) may apply at all times or for a specified period; and
 - (d) revokes any previous notice made under subclause (1).
- (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).

17. Offences

A person who contravenes clause 11, 12, 13(1), 14, 15(2), 15(3) or 16(3) commits an offence.

SCHEDULES

Schedule 1

Description of the Fishery

All Western Australian waters off the southern coast, between 115° 30' east longitude and 129° 00' east longitude; but excluding all waters of the South Coast Estuarine Managed Fishery.

Schedule 2

Payments by Instalments

The fee payable in respect of the grant or renewal of a licence may be paid in instalments consisting of—

- (a) the first instalment being 25% of the total fee and due for payment on or before 1 July;
- (b) the second instalment being 25% of the total fee and due for payment on or before 1 November following the day on which the first instalment is paid;
- (c) the third instalment being 50% of the total fee and due for payment on or before 1 March following the day on which the first instalment is paid.

Schedule 3

Restricted fishing area

King George Sound

All waters of the Fishery bounded by a line commencing at a point at 35° 07.65' south latitude and 117° 56.844' east longitude (on the mainland at Peak Head); then extending due south along the meridian to a point at 35° 07.712' south latitude and 117° 56.844' east longitude; then extending due east along the parallel to a point at 35° 07.712' south latitude and 118° 11.25' east longitude; then extending due north along the meridian to a point at 35° 01.475' south latitude and 118° 11.25' east longitude (on the mainland at Cape Vancouver); then generally westerly along the high water mark to a point at 35° 00.06' south latitude and 117° 56.958' east longitude (on the mainland); then extending north-westerly along the geodesic to a point at 34° 59.978' south latitude and 117° 56.832' east longitude (on the mainland); then generally south-westerly along the high water mark to a point at 35° 02.144' south latitude and 117° 55.174' east longitude (on the mainland at King Point); then extending southerly along the geodesic to a point at 35° 02.461' south latitude and 117° 55.222' east longitude (on the mainland); then generally south-easterly and then westerly along the high water mark to the commencement point.

Schedule 4

Netting closure area

All waters of the Fishery north of a line commencing at a point at 35° 02.144' south latitude and 117° 55.174' east longitude (on the mainland at King Point); then extending north-easterly along the geodesic to a point at 35° 00.928' south latitude and 117° 58.210' east longitude (on the mainland at Cheyne Head).

Dated 15th day of December, 2020.

P. TINLEY, Minister for Fisheries.