

**FI403\***

**FISH RESOURCES MANAGEMENT ACT 1994**

**JOINT AUTHORITY SOUTHERN DEMERSAL GILLNET AND DEMERSAL LONGLINE  
MANAGED FISHERY MANAGEMENT PLAN AMENDMENT 2012**

FD 1782/99 [1094]

Made by the Minister under section 54.

**1. Citation**

This instrument is the *Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan Amendment 2012*.

**2. Management plan amended**

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

**3. Clause 12 replaced**

Delete clause 12 and insert—

**Temporary transfer of part of an entitlement**

**12.** The CEO may temporarily transfer an entitlement, or part of an entitlement, conferred by a licence to another licence, for a period of time ending at the time that the licence from which the units are to be transferred expires, provided that—

- (a) the transfer is for a whole number of units; and
- (b) the fee to be paid in respect of the renewal of the licence from which the units are to be transferred has been paid in full; and
- (c) the value of the units of entitlement of the relevant Zone remaining on the licence from which the units are to be transferred would not be less than the extent of the fishing in the waters of that Zone that has already been carried out under that licence; and
- (d) the value of all the units of entitlement remaining on the licence from which the units are to be transferred would not be less than the extent to which fishing has been carried out under the licence.

**4. Clause 15B replaced**

Delete clause 15B and insert—

**Requirement for an ALC to be installed in an authorised boat**

**15B.(1)** A person must not use an authorised boat in the Fishery unless an approved ALC has been installed in that boat in accordance with the approved directions.

(2) A person must not use an authorised boat in the Fishery unless the approved ALC installed in that boat has been tested, and is being used, in accordance with the approved directions.

(3) It is a condition of the licence that at any time that an approved ALC is required to have been installed in an authorised boat that boat must not be used in the Fishery unless an ALC is fitted to the boat and the ALC is being used in the manner specified in the approved directions.

**5. Clause 15E replaced**

Delete clause 15E and insert—

**Nominations by approved ALC**

**15E.** (1) The master of an authorised boat must, not more than two hours before the commencement of each fishing trip, nominate and specify accurate details of—

- (a) the name of the Fishery and the Zone or Zones of the Fishery in which fishing is intended to occur; and
- (b) the relevant licence under which fishing may be carried out; and
- (c) the amount of fishing gear that is to be used to convert fishing effort into units of entitlement in accordance with Schedule 7, either in metres of gillnet, or the number of hooks on a longline; and
- (d) the full name of the master of the boat for that fishing trip.

(2) The amount of gear nominated under subclause (1)(c)—

- (a) is the maximum amount of gear that may be used for that fishing trip; and
- (b) may, within 28 days, be converted to an equivalent amount of the type of gear not nominated; and
- (c) is the amount of fishing gear that is used to convert fishing effort into units of entitlement for that fishing trip in accordance with Schedule 7.

(3) For the purposes of subclause (2)(c), where the master of an authorised boat does not nominate an amount of fishing gear under subclause (1)(c) in respect of the commencement of a fishing trip, the greater of—

- (a) the amount of gear specified under subclause (1)(c) in the most recent prior nomination; or

(b) the amount of fishing gear used,  
will apply.

(4) Where the master of an authorised boat fishes in accordance with a nomination made under subclause (1) the master must nominate—

(a) when any fishing gear is being placed in the water for the purposes of the first fishing session of the fishing trip, and the location of the authorised boat at the time that fishing gear is placed in the water; and

(b) when all fishing gear has been fully removed from the water at the completion of the last fishing session of the fishing trip, and the location of the authorised boat at the time that all gear is removed.

(5) The master of an authorised boat must not allow that boat to be used—

(a) in contravention of a nomination made under this clause; or

(b) unless all nominations required to be made under this clause have been made.

(6) Where the master of an authorised boat being used on a fishing trip does not make a nomination in accordance with subclause (4)(a) or (4)(b) the time during which gear is to be taken to be in the water is the time—

(a) commencing from the most recent prior nomination received under subclause (1) or subclause (4)(b), in the case of a failure to nominate under subclause (4)(a); or

(b) until the next nomination is received under subclause (1) or subclause (4)(a), in the case of a failure to nominate under subclause (4)(b).

(7) The master of an authorised boat must not—

(a) fish in any waters of the Fishery with gear in excess of the amount nominated under subclause (1)(c) for that fishing trip; or

(b) change the amount of gear nominated under subclause (1)(c) for at least 28 days; or

(c) fish in any waters of the Fishery at any time when the sleep mode facility of the relevant approved ALC is in operation.

(8) Where the master of an authorised boat fishes with gear in excess of the amount nominated under subclause (1)(c) in respect of that fishing trip, the amount of gear used will be taken to convert fishing effort into units of entitlement, in accordance with Schedule 7.

#### **6. Clause 15F repealed.**

Delete clause 15F.

#### **7. Clause 16 amended**

Delete subclause 16(2) and insert—

(2) The fee to be paid in respect of the renewal of a licence is—

(a) \$7.10 per Zone 1 unit, Zone 3 unit, or Zone 1 historical unit; and

(b) \$14.85 per Zone 2 unit.

#### **8. Clause offences replaced**

Delete clause 17 and insert—

##### **Offences**

**17.** A person who contravenes a provision of clause 5, 5A, 7, 7A, 7C, 9C, 13, 14, 15, 15B, 15C, 15D, or 15E commits an offence.

Dated this 2nd day of May 2012.

NORMAN MOORE, Minister for Fisheries.

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